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Contents

Federal Register

Vol. 86, No. 15

Tuesday, January 26, 2021

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Executive Orders:

13994.....7189
13995.....7193
13996.....7197
13997.....7201
13998.....7205
13999.....7211
14000.....7215
14001.....7221

Administrative Orders:

Memorandums:
Memorandum of
January 20, 2021.....7225

42 CFR

51c.....7059

Rules and Regulations

Federal Register
Vol. 86, No. 15
Tuesday, January 26, 2021

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 51c

RIN 0906–AB25

Implementation of Executive Order on Access to Affordable Life-Saving Medications

AGENCY: Health Resources and Services Administration (HRSA), Health and Human Services (HHS).

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' this action temporarily delays for 60 days from the date of the memorandum the effective date of the final rule titled ''Implementation of Executive Order on Access to Affordable Life-saving Medications,'' published in the December 23, 2020, **Federal Register**. This document announces that the effective date is delayed until March 22, 2021, the first business day after 60 days from the date of the memorandum.

DATES: The effective date of the final rule published in the December 23, 2020, **Federal Register** (85 FR 83822), is delayed from January 22, 2021, to March 22, 2021.

FOR FURTHER INFORMATION CONTACT: Jennifer Joseph, Director, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, MD 20857; by email at *jjoseph@hrsa.gov;* telephone: 301–594–4300; fax: 301–594–4997.

SUPPLEMENTARY INFORMATION: The January 20, 2021 memorandum from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review,'' instructed Federal agencies to delay the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days from the date of the memorandum. This final rule will apply to all health centers receiving section 330(e) grant funds that participate in the 340B Drug Pricing Program (340B Program), (42 U.S.C. 254b and 256b), and requires such entities to make insulin and injectable epinephrine available to health center patients identified as low-income or below the same price the health center paid through the 340B Program. The effective date of that rule, which would have been January 22, 2021, is now March 22, 2021. The temporary delay in the effective date of this final rule is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Freeze Pending Review.''

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–01629 Filed 1–21–21; 4:15 pm]

BILLING CODE 4165–15–P

Notices

Federal Register
Vol. 86, No. 15
Tuesday, January 26, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Montana Advisory Committee

AGENCY: U.S. Commission on Civil Rights

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a series of teleconference meetings of the Montana Advisory Committee (Committee) to the Commission will be held from 12:00 p.m. to 1:30 p.m. (Mountain Time) on Friday, January 29 and Thursday, February 11, 2021. The purpose of the meetings is to plan upcoming web hearings focused on Native American voting rights.

DATES: These meetings will be held on:

- Friday, January 29, 2021 from 12:00 p.m. to 1:30 p.m. MT
- Thursday, February 11, 2021 from 12:00 p.m. to 1:30 p.m. MT

Public Call Information:

Dial: 800–367–2403
Conference ID: 7677059

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or by phone at (202) 681–0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800–367–2403, conference ID number: 7677059. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at *afortes@usccr.gov*.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlyAAA*.

Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov*, or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Discuss Details for Web Hearings
III. Public Comment
IV. Adjournment

Dated: January 19, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–01608 Filed 1–25–21; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the New York Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the New York Advisory Committee (Committee) will hold meetings via WebEx on Friday, February 19, 2021; March 19, 2021; April 16, 2021, and May 21, 2021 from 1:00–2:15 p.m. ET for the purpose of discussing the New York Advisory Committee's project and upcoming briefings on eviction policies and enforcement in New York.

DATES: The meetings will be held on the following dates from 1:00 p.m.–2:15 p.m. ET.

- February 19, 2021 from 1:00 p.m.–2:15 p.m. ET
- March 19, 2021 from 1:00 p.m.–2:15 p.m. ET
- April 16, 2021 from 1:00 p.m.–2:15 p.m. ET
- May 21, 2021 from 1:00 p.m.–2:15 p.m. ET

To join by web conference: *https://civilrights.webex.com/civilrights/j.php?MTID=m71c12750a2fb6067793695c7b73b7044*.

- Password if prompted: USCCR
- If you wish to remain anonymous, please enter an alias when joining the meeting so your name does not appear in the Webex participant list

To join by phone only, dial: 1–800–360–9505; Access code: 199 963 9326.

FOR FURTHER INFORMATION CONTACT: Mallory Trachtenberg, DFO, at *mtrachtenberg@usccr.gov* or 202–809–9618.

SUPPLEMENTARY INFORMATION: Members of the public can listen to the discussion. An open comment period will be provided to allow members of the public to make a statement as time allows. Callers can expect to incur charges for calls they initiate, and the Commission will not refund any incurred charges. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number. To request additional accommodations, please email *mtrachtenberg@usccr.gov* at least 7 days prior to the meeting for which accommodations are requested.

Members of the public are also entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to *mtrachtenberg@usccr.gov* in the Regional Programs Unit Office/Advisory Committee Management Unit.

Persons who desire additional information may contact the Regional Programs Unit at 202–809–9618.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *https://www.facadatabase.gov/FACA/apex/FACAPublicCommittee?id=a10t0000001gzmAAAQ* under the Commission on Civil Rights, New York Advisory Committee link. Please select the ''Committee Meetings'' tab. Persons interested in the work of this Committee are also directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit office at the above email or phone number.

Agenda

I. Welcome and Roll Call
II. Announcements and Updates
III. Approval of Minutes
IV. Discussion: Committee's Project on Eviction Policies and Enforcement in New York
V. Public Comment
VI. Next Steps
VII. Adjournment

Dated: January 19, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021–01523 Filed 1–25–21; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–822]

Certain Frozen Warmwater Shrimp From Thailand: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review, in part, of the antidumping duty order on certain frozen warmwater shrimp (shrimp) from Thailand for the period of review, February 1, 2019, through January 31, 2020.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin Luberda, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2185.

SUPPLEMENTARY INFORMATION:

Background

On February 3, 2020, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on certain frozen warmwater shrimp from Thailand for the period February 1, 2019, through January 31, 2020.[1] In February 2019, Commerce received timely requests, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), to conduct an administrative review of this antidumping duty order from the Ad Hoc Shrimp Trade Action Committee (the petitioner), the American Shrimp Processors Association (ASPA), and certain individual companies.[2] On April 8, 2020, Commerce initiated an administrative review of 100 companies.[3]

On April 24, 2020, Commerce tolled all pending deadlines in this administrative review by 50 days.[4] On July 21, 2020, Commerce again tolled the preliminary results of this administrative review by an additional 60 days.[5]

In August 2020, all parties except Thai Union[6] timely withdrew their requests for an administrative review.[7]

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review. The Secretary may extend this time limit if the Secretary decides that it is reasonable to do so. As noted above, Commerce extended all pending deadlines for administrative reviews by 50 days on April 24, 2020, including the deadline to withdraw requests for review. Because certain interested parties timely withdrew their requests for administrative review for certain companies by the extended 140-day deadline, we are rescinding this administrative review with respect to those companies, pursuant to 19 CFR 351.213(d)(1). For a list of the companies for which we are rescinding this review, *see* the Appendix to this notice, pursuant to 19 CFR 351.213(d)(1).

The instant review will continue only with respect to Thai Union.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 85 FR 5938 (February 3, 2020).

[2] *See* Petitioner's Letter, ''Certain Frozen Warmwater Shrimp from Thailand: Request for Administrative Reviews,'' dated Feburary 27, 2020; ASPA's Letter, ''Administrative Review of the Antidumping Duty Order Covering Frozen Warmwater Shrimp from Thailand (POR 15: 02/01/19–01/31/20): American Shrimp Processors Association's Request for Administrative Reviews,'' dated February 26, 2020; Thai Royal Frozen Food Co., Ltd.'s (Thai Royal's) Letter, ''Frozen Warmwater Shrimp from Thailand: Request for Administrative Review and Request for Voluntary Treatment,'' dated February 24, 2020; Thai Union Public Co., Ltd.'s; Thai Union Seafood Co., Ltd.'s; Pakfood Public Company Limited's; and Okeanos Food Co., Ltd.'s Letter, ''Frozen Warmwater Shrimp from Thailand: Request for Administrative Review and Request for Voluntary Treatment,'' dated February 24, 2020.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 19730, 19735–36 (April 8, 2020).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[6] In the 2012–2013 administrative review, Commerce found that the following companies comprised a single entity: Thai Union Frozen Products Public Co. Ltd. and Thai Union Seafood Co., Ltd.; Pakfood Public Company Limited; Asia Pacific (Thailand) Co., Ltd.; Chaophraya Cold Storage Co. Ltd.; Okeanos Co. Ltd.; Okeanos Food Co. Ltd.; and Takzin Samut Co. Ltd. (collectively, Thai Union). *See Certain Frozen Warmwater Shrimp from Thailand: Final Results of Antidumping Duty Administrative Review, Final Determination of No Shipments, and Partial Rescission of Review; 2012–2013,* 79 FR 51306 (August 28, 2014). Further, on January 5, 2016, Commerce found that Thai Union Group Public Co., Ltd., is the successor-in-interest to Thai Union Frozen Products Public Co., Ltd. *See Notice of Final Results of Antidumping Duty Changed Circumstances Review: Certain Frozen Warmwater Shrimp from Thailand,* 81 FR 222 (January 5, 2016). Therefore, we are treating these companies as a single entity (Thai Union) for the purposes of this administrative review.

[7] *See* Petitioner's Letter, ''Certain Frozen Warmwater Shrimp from Thailand: Domestic Producers' Withdrawal of Review Requests;'' ASPA's Letter, ''Certain Frozen Warmwater Shrimp from Thailand: American Shrimp Processors Association's Withdrawal of Review Requests'', dated August 25, 2020; and Thai Royal's Letter, ''Frozen Warmwater Shrimp from Thailand: Withdrawal of Request for Administrative Review,'' dated August 25, 2020.

withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this rescission notice in the **Federal Register**.

Notification to Importers

This notice serves as a reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with section 751(a)(1) and 751(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: January 21, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

Appendix

List of Companies for Which Administrative Review Has Been Rescinded

1. A Foods 1991 Co., Ltd./May Ao Foods Co., Ltd.
2. A. Wattanachai Frozen Products Co., Ltd.
3. A.P. Frozen Foods Co., Ltd.
4. A.S. Intermarine Foods Co., Ltd.
5. Ampai Frozen Food Co., Ltd.
6. Anglo-Siam Seafoods Co., Ltd.
7. Apitoon Enterprise Industry Co., Ltd.
8. Asian Alliance International Co., Ltd.
9. Asian SeaFoods Coldstorage (Suratthani) Co., Limited
10. Asian Seafoods Coldstorage PLC
11. Asian SeaFoods Coldstorage Public Co., Ltd.
12. B.S.A. Food Products Co., Ltd.
13. C.P. Intertrade Co. Ltd.
14. Chaivaree Marine Products Co., Ltd.
15. Chanthaburi Frozen Food Co., Ltd.
16. Chanthaburi Seafoods Co., Ltd.
17. Charoen Pokphand Foods Public Co., Ltd./CP Merchandising Co., Ltd.
18. Chonburi LC
19. Commonwealth Trading Co., Ltd.
20. CPF Food Products Co., Ltd.
21. Crystal Frozen Foods Co., Ltd.
22. Daedong (Thailand) Co. Ltd.
23. Daiei Taigen (Thailand) Co., Ltd.
24. Daiho (Thailand) Co., Ltd.
25. Earth Food Manufacturing Co., Ltd.
26. F.A.I.T. Corporation Limited
27. Far East Cold Storage Co., Ltd.
28. Findus (Thailand) Ltd.
29. Fortune Frozen Foods (Thailand) Co., Ltd.
30. Gallant Ocean (Thailand) Co., Ltd.
31. Golden Sea Frozen Foods Co., Ltd.
32. Golden Seafood International Co., Ltd.
33. Good Fortune Cold Storage Co., Ltd.
34. Good Luck Product Co., Ltd.
35. Grobest Frozen Foods Co., Ltd.
36. Haitai Seafood Co., Ltd.
37. Handy International (Thailand) Co., Ltd.
38. Heritrade Co., Ltd.
39. HIC (Thailand) Co., Ltd.
40. I.T. Foods Industries Co., Ltd.
41. Inter-Oceanic Resources Co., Ltd.
42. Inter-Pacific Marine Products Co., Ltd.
43. K & U Enterprise Co., Ltd.
44. Kiang Huat Sea Gull Trading Frozen Food Public Co., Ltd.
45. Kingfisher Holdings Ltd./KF Foods Limited
46. Kitchens of The Oceans (Thailand) Company Ltd.
47. Kongphop Frozen Foods Co., Ltd.
48. Lee Heng Seafood Co., Ltd.
49. Li-Thai Frozen Foods Co., Ltd.
50. Lucky Union Foods Co., Ltd.
51. Mahachai Food Processing Co., Ltd.
52. Marine Gold Products Ltd.
53. Merkur Co., Ltd.
54. N&N Foods Co., Ltd.
55. N.R. Instant Produce Co., Ltd.
56. Narong Seafood Co., Ltd.
57. Nongmon SMJ Products
58. Pacific Fish Processing Co., Ltd.
59. Penta Impex Co., Ltd.
60. Phatthana Frozen Food Co., Ltd.
61. Phatthana Seafood Co., Ltd.
62. Premier Frozen Products Co., Ltd.
63. S & D Marine Products Co., Ltd.
64. S. Chaivaree Cold Storage Co., Ltd.
65. S. Khonkaen Food Industry Public Co., Ltd.
66. S.K. Foods (Thailand) Public Co. Limited
67. S2K Marine Product Co., Ltd.
68. Sea Bonanza Food Co., Ltd.
69. Seafresh Industry Public Co., Ltd./ Seafresh Fisheries
70. Sethachon Co.. Ltd.
71. Shianlin Bangkok Co., Ltd.
72. Shing-Fu Seaproducts Development Co.
73. Siam Food Supply Co., Ltd.
74. Siam Intersea Co., Ltd.
75. Siam Marine Products Co. Ltd.
76. Siam Ocean Frozen Foods Co., Ltd.
77. Siamchai International Food Co., Ltd.
78. Smile Heart Foods
79. SMP Food Product Co., Ltd.
80. Southport Seafood
81. Starfoods Industries Co., Ltd.
82. STC Foodpak Ltd.
83. Suntechthai Intertrading Co., Ltd.
84. Surapon Foods Public Co., Ltd./Surat Seafoods Public Co., Ltd.
85. Surapon Nichirei Foods Co., Ltd.
86. Tep Kinsho Foods Co., Ltd.
87. Tey Seng Cold Storage Co., Ltd./ Chaiwarut Co., Ltd.
88. Thai Agri Foods Public Co., Ltd.
89. Thai I Mei Frozen Food Co., Ltd.
90. Thai Ocean Venture Co., Ltd.
91. Thai Royal Frozen Food Co., Ltd.
92. Thai Spring Fish Co., Ltd.
93. Thai Union Manufacturing Company Limited
94. The Siam Union Frozen Foods Co., Ltd.
95. The Union Frozen Products Co., Ltd./ Bright Sea Co., Ltd.
96. Top Product Food Co., Ltd.
97. Trang Seafood Products Public Co., Ltd.
98. Xian-Ning Seafood Co., Ltd.
99. Yeenin Frozen Foods Co., Ltd.

[FR Doc. 2021–01673 Filed 1–25–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty

AGENCY: Enforcement and Compliance, International Trade Administration Department of Commerce.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: John Hoffner, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230, telephone: (202) 482–3315.

SUPPLEMENTARY INFORMATION: On November 5, 2020, the Department of Commerce (Commerce), pursuant to section 702(h) of the Trade Agreements Act of 1979, as amended (the Act), published the quarterly update to the annual listing of foreign government subsidies on articles of cheese subject to an in-quota rate of duty covering the period April 1, 2020 through June 30, 2020.[1] In the *Second Quarter 2020 Update,* we requested that any party that has information on foreign government subsidy programs that benefit articles of cheese subject to an in-quote rate of duty submit such information to Commerce.[2] We received no comments, information or requests for consultation from any party.

Pursuant to section 702(h) of the Act, we hereby provide Commerce's update

[1] *See Quarterly Update to Annual Listing of Foreign Government Subsidies on Articles of Cheese Subject to an In-Quota Rate of Duty,* 85 FR 70586 (November 5, 2020) (*Second Quarter 2020 Update*).

[2] *Id.*

of subsidies on articles of cheese that were imported during the period July 1, 2020 through September 30, 2020. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amounts of each subsidy for which information is currently available.

Commerce will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed. Commerce encourages any person having information on foreign government subsidy programs which benefit articles of cheese subject to an in-quota rate of duty to submit such information in writing through the Federal eRulemaking Portal at *http://www.regulations.gov* Docket No. ITA–2020–0005, ''Quarterly Update to Cheese Subject to an In-Quota Rate of Duty.'' The materials in the docket will not be edited to remove identifying or contact information, and Commerce cautions against including any information in an electronic submission that the submitter does not want publicly disclosed. Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF formats only. All comments should be addressed to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Ave. NW, Washington, DC 20230.

This determination and notice are issued in accordance with section 702(a) of the Act.

Dated: January 19, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

SUBSIDY PROGRAMS ON CHEESE SUBJECT TO AN IN-QUOTA RATE OF DUTY

Country	Program(s)	Gross [3] subsidy ($/lb)	Net [4] subsidy ($/lb)
27 European Union Member States [5].	European Union Restitution Payments	$0.00	$0.00
Canada	Export Assistance on Certain Types of Cheese	0.47	0.47
Norway	Indirect (Milk) Subsidy	0.00	0.00
	Consumer Subsidy	0.00	0.00
	Total	0.00	0.00
Switzerland	Deficiency Payments	0.00	0.00

[FR Doc. 2021–01636 Filed 1–25–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–882]

Certain Cold-Rolled Steel Flat Products From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain cold-rolled steel flat products (cold-rolled steel) from the Republic of Korea (Korea). The period of review (POR) is January 1, 2018 through December 31, 2018.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: Moses Song or Tyler Weinhold, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7885 and (202) 482–1121, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2019, Commerce published a notice of initiation of the administrative review of the countervailing duty order on cold-rolled steel from Korea.[1] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[2] On July 6, 2020, Commerce extended the deadline for the preliminary results of this review.[3] On July 21, 2020, Commerce tolled all deadlines in administrative reviews by an additional 60 days.[4] On December 15, 2020, Commerce further extended the deadline for the preliminary results of this review.[5] The revised deadline for the preliminary results is January 15, 2021.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6] A list of topics discussed in the Preliminary Decision Memorandum is included at the Appendix I to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a

[3] Defined in 19 U.S.C. 1677(5).

[4] Defined in 19 U.S.C. 1677(6).

[5] The 27 member states of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden.

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[3] *See* Memorandum, ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 1/1/2018–12/31/2018,'' dated July 6, 2020.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[5] *See* Memorandum, ''Certain Cold-Rolled Steel Flat Products from the Republic of Korea: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 1/1/2018–12/31/2018,'' dated December 15, 2020.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review; 2018: Certain Cold-Rolled Steel Flat Products from the Republic of Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is cold-rolled steel. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(l)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Companies Not Selected for Individual Review

For the companies not selected for individual review, because the rates calculated for Hyundai Steel Co., Ltd. (Hyundai Steel) and Dongbu Steel Co., Ltd. (Dongbu) were above *de minimis* and not based entirely on facts available, we applied a subsidy rate based on a weighted-average of the subsidy rates calculated for Hyundai Steel and Dongbu using publicly ranged sales data submitted by respondents.[8]

Preliminary Results of Review

As a result of this review, we preliminarily determine the following net countervailable subsidy rates exist for the period January 1, 2018 through December 31, 2018:

Company	Net countervailable subsidy rate (percent *ad valorem*)
Hyundai Steel Co., Ltd	0.51
Dongbu Steel Co., Ltd./Dongbu Incheon Steel Co., Ltd	6.89
Non-Selected Companies Under Review[9]	1.55

Assessment Rate

Pursuant to section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Rate

Pursuant to section 751(a)(2)(C) of the Act, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amount indicated above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days after the date of publication of these preliminary results.[10] Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance at a date to be determined. Rebuttal comments (rebuttal briefs), limited to issues raised in case briefs, within seven days [11] after the time limit for filing case briefs. Parties who submit case briefs or rebuttal briefs are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[12] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[13]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[14] Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs.[15] If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.[16] Parties should confirm the date and time of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests must be filed electronically using ACCESS and received successfully in their entirety by 5 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Notification to Interested Parties

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213 and 19 CFR 351.221(b)(4).

Dated: January 15, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] With two respondents under review, Commerce normally calculates: (A) A weighted-average of the estimated subsidy rates calculated for the examined respondents using each examined respondent's business proprietary U.S. sales quantity of the subject merchandise; (B) a simple average of the estimated subsidy rats calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sales quantities of the subject merchandise. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for the producers and exporters subject to this review that were not selected for individual examination.

[9] *See* Appendix II.

[10] *See* 19 CFR 351.224(b).

[11] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020) (*Temporary Rule*).

[12] *See* 19 CFR 351.309(c)(2) and (d)(2).

[13] *See Temporary Rule.*

[14] *See* 19 CFR 351.310(c).

[15] *See* 19 CFR 351.310(c).

[16] *See* 19 CFR 351.310.

Appendix II—List of Non-Selected Companies

1. AJU Steel Co., Ltd.
2. Amerisource Korea
3. BC Trade
4. Busung Steel Co., Ltd.
5. Cenit Co., Ltd
6. Daewoo Logistics Corporation
7. Dai Yang Metal Co., Ltd.
8. DK GNS Co., Ltd.
9. Dong Jin Machinery
10. Dongkuk Steel Mill Co., Ltd.
11. Dongkuk Industries Co., Ltd.
12. Eunsan Shipping and Air Cargo Co., Ltd.
13. Euro Line Global Co., Ltd.
14. GS Global Corp.
15. Hanawell Co., Ltd.
16. Hankum Co., Ltd.
17. Hyosung TNC Corp.
18. Hyuk San Profile Co., Ltd.
19. Hyundai Group
20. Iljin NTS Co., Ltd.
21. Iljin Steel Corp.
22. Jeen Pung Industrial Co., Ltd.
23. Kolon Global Corporation
24. Nauri Logistics Co., Ltd.
25. Okaya Korea Co., Ltd.
26. PL Special Steel Co., Ltd.
27. POSCO
28. POSCO C&C Co., Ltd.
29. POSCO Daewoo Corp.
30. POSCO International Corp.
31. Samsung C&T Corp.
32. Samsung STS Co., Ltd.
33. SeAH Steel Corp.
34. SK Networks Co., Ltd.
35. Taihan Electric Wire Co., Ltd.
36. TGS Pipe Co., Ltd.
37. TI Automotive Ltd.
38. Xeno Energy

[FR Doc. 2021–01637 Filed 1–25–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Partial Rescission of Antidumping Duty Administrative Review; 2019–2020

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review, in part, of the antidumping duty order on certain steel nails (nails) from the People's Republic of China (China) for the period August 1, 2019, through July 31, 2020.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: Joshua Simonidis, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0608.

SUPPLEMENTARY INFORMATION:

Background

On October 6, 2020, based on timely requests for review for 448 companies by Mid Continent Steel & Wire, Inc. (the petitioner); [1] two companies by Qingdao D&L Group Ltd. (Qingdao D&L) and Tianjin Zhonglian Metals Ware Co., Ltd. (Tianjin Zhonglian); [2] and two companies by Shanghai Yueda Nails Industry Co., Ltd., a.k.a. Shanghai Yueda Nails Co. (Shanghai Yueda) and Tianjin Jinchi Metal Products Co., Ltd (Tianjin Jinchi),[3] Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on nails from China covering the period August 1, 2019 through July 31, 2020.[4]

On October 20, 2020, the petitioner withdrew its request for administrative review on Oriental Cherry Hardware Group., Ltd., Youngwoo Fasteners Co., Ltd., China Staple Enterprise Co., Ltd., Faithful Engineering Products Co., Ltd., and Promising Way (Hong Kong) Ltd.[5] No other party requested a review of these companies.

Partial Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the date of publication of the notice of initiation of the requested review. Because all requests for an administrative review of Oriental Cherry Hardware Group., Ltd., Youngwoo Fasteners Co., Ltd., China Staple Enterprise Co., Ltd., Faithful Engineering Products Co., Ltd., and Promising Way (Hong Kong) Ltd. were withdrawn within 90 days of the date of publication of the *Initiation Notice,* and no other interested party requested a review of these companies, Commerce is rescinding this review with respect to these companies in accordance with 19 CFR 351.213(d)(1). The administrative review remains active with respect to all other companies for which a review was initiated.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period August 1, 2019 through July 31, 2020, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

[1] *See* Petitioner's Letter, ''Certain Steel Nails from China—Request for Administrative Review,'' dated August 31, 2020.

[2] *See* Qingdao D&L and Tianjin Zhonglian's Letter, ''Certain Steel Nails from the People's Republic of China: Requests for Administrative Review,'' dated August 31, 2020.

[3] *See* Shanghai Yueda and Tianjin Jinchi's Letter, ''Request for Administrative Review of the Antidumping Duty Order on Certain Steel Nails from the People's Republic of China, A–570–909 (POR 8/1/19–7/31/20),'' dated August 31, 2020.

[4] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 85 FR 54983 (October 6, 2020) (*Initiation Notice*).

[5] *See* Petitioner's Letter ''Certain Steel Nails from China—Withdrawal of Request for Administrative Review,'' dated October 20, 2020.

Dated: January 21, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021–01675 Filed 1–25–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–849]

Emulsion Styrene-Butadiene Rubber From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain emulsion styrene-butadiene rubber (ESB rubber) from Brazil was sold in the United States at less than normal value during the period of review September 1, 2018 through August 31, 2019. We invite interested parties to comment on these preliminary results.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION: Drew Jackson, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4406.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2019, Commerce published in the **Federal Register** the notice of initiation of an antidumping duty administrative review on ESB rubber from Brazil.[1] This administrative review covers one producer/exporter of the subject merchandise, ARLANXEO Brasil S.A. (ARLANXEO Brasil).[2] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[3] On June 23, 2020, Commerce extended the deadline for the preliminary results of this review by an additional 119 days.[4] On July 21, 2020, Commerce tolled all deadlines for preliminary and final results in administrative reviews by an additional 60 days until January 19, 2020.[5] Interested parties are invited to comment on these preliminary results.

Scope of the Order

The product covered by this review is certain emulsion styrene-butadiene rubber from Brazil. For a full description of the scope *see* the Preliminary Decision Memorandum.[6]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Administrative Review

We preliminarily determine that the following weighted-average dumping margin exists for the period September 1, 2018 through August 31, 2019:

Exporter/producer	Weighted-average margin (percent)
ARLANXEO Brasil S.A	34.93

Disclosure

We intend to disclose the calculations performed for these preliminary results to the interested parties within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b).

Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to the Assistant Secretary for Enforcement and Compliance not later than 30 days after the date of publication of this notice, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[7] Parties who submit case briefs or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[8]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[9] Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act, unless extended.

Assessment Rate

Upon completion of this administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review.[10] If the respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* duty assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of the sales, in accordance with 19 CFR 351.212(b)(1).[11] If a

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019).

[2] *Id.*

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[4] *See* Memorandum, ''2018–2019 Antidumping Duty Administrative Review of Emulsion Styrene Butadiene Rubber from Brazil: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review,'' dated June 23, 2020.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the Second Antidumping Duty Administrative Review: Emulsion Styrene Butadiene Rubber from Brazil; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] *See* 19 CFR 351.309(d); *see also* 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.212(b).

[11] In these preliminary results, Commerce applied the assessment rate calculation method adopted in

respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews.*[12]

The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of ESB rubber from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for ARLANXEO Brasil will be equal to the weighted-average dumping margin established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 19.61 percent, the all-others rate established in the less-than-fair-value investigation.[13] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: January 15, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–01638 Filed 1–25–21; 8:45 am]

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Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification, 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[12] *See Final Modification for Reviews,* 77 FR at 8103; *see also* 19 CFR 351.106(c)(2).

[13] *See Emulsion Styrene-Butadiene Rubber From Brazil: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances,* 82 FR 33048 (July 19, 2019).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–847]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the producers/exporters of heavy walled rectangular welded carbon steel pipes and tubes (HWR pipes and tubes) from Mexico subject to this administrative review made sales of subject merchandise at less than normal value (NV) during the period of review (POR) September 1, 2018 through August 31, 2019. We invite all interested parties to comment on these preliminary results.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: David Goldberger or David Crespo, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4136 or (202) 482–3693, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2019, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review on HWR pipes and tubes from Mexico.[1] This review covers 11 producers and exporters of the subject merchandise. Commerce selected two companies, Maquilacero S.A. de C.V. (Maquilacero) and Productos Laminados de Monterrey S.A. de C.V. (Prolamsa), for individual examination. The producers and/or exporters not selected for individual examination are listed in the ''Preliminary Results of the Review'' section of this notice.

On April 21, 2020, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(h)(2), Commerce extended the time limit for issuing the preliminary results of this administrative review to September 29, 2020.[2] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days, thereby extending the deadline for issuing the preliminary results of this administrative review to November 18, 2020.[3] On July 21, 2020, Commerce again tolled all deadlines for preliminary and final results in administrative reviews by an additional 60 days.[4] Therefore, the deadline for the preliminary results of this administrative review is January 19, 2021.

Scope of the Order

The products covered by the order are heavy walled rectangular welded steel

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019).

[2] *See* Memorandum, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Extension of Deadline for Preliminary Results of the 3rd Antidumping Duty Administrative Review,'' dated April 21, 2020.

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,''dated July 21, 2020.

pipes and tubes from Mexico.[5] Products subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item number 7306.61.1000. Subject merchandise may also be classified under 7306.61.3000. Although the HTSUS numbers and ASTM specification are provided for convenience and for customs purposes, the written product description remains dispositive.

Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Act. Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Rate for Non-Selected Respondents

The Act and Commerce's regulations do not address the establishment of a rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins, and any margins determined entirely {on the basis of facts available}.''

In this review, we have preliminarily calculated a weighted-average dumping margin for these companies using the calculated rates of the mandatory respondents, Maquilacero and Prolamsa, which are not zero, *de minimis,* or determined entirely on the basis of facts available.[6]

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the period September 1, 2018 through August 31, 2019:

Producers/exporters	Weighted-average dumping margin (percent)
Maquilacero S.A. de C.V	0.00
Productos Laminados de Monterrey S.A. de C.V	1.75
Review-Specific Average Rate Applicable to the Following Companies:	
Arco Metal S.A. de C.V	1.75
Forza Steel S.A. de C.V	1.75
Industrias Monterrey, S.A. de C.V	1.75
Perfiles y Herrajes LM S.A. de C.V	1.75
PYTCO S.A. de C.V	1.75
Regiomontana de Perfiles y Tubos S.A. de C.V	1.75
Ternium S.A. de C.V	1.75
Tuberia Nacional, S.A. de C.V	1.75
Tuberias Procarsa S.A. de C.V	1.75

Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[7]

Verification

On February 19, 2020, Commerce received a request from the petitioners [8] to conduct verification of the responses in this administrative review.[9] Commerce is currently unable to conduct on-site verification of the information relied upon for the final results of this review. Accordingly, we intend to take additional steps in lieu of on-site verification. Commerce will notify interested parties of any additional documentation or information required.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the deadline for filing case briefs.[10] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[11] Case and rebuttal briefs should be filed using ACCESS.[12]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.[13] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[14] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Final Results

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of

[5] For a complete description of the scope of the Order, *see* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[6] *See* section 735(c)(5)(A) of the Act.

[7] *See* 19 CFR 351.224(b).

[8] The petitioners are Independence Tube Corporation and Southland Tube, Incorporated; Nucor Companies; Atlas Tube, a division of Zekelman Industries; and Searing Industries.

[9] *See* Petitioners' Letter, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Mexico: Request for Verification,'' dated February 19, 2020.

[10] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

[11] *See* 19 CFR 351.309(c)(2) and (d)(2).

[12] *See* 19 CFR 351.303.

[13] *See* 19 CFR 351.310(c).

[14] *See* 19 CFR 351.310(d).

publication of this notice, unless otherwise extended.[15]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[16]

Pursuant to 19 CFR 351.212(b)(1), where Maquilacero and Prolamsa reported the entered value of their U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where Prolamsa did not report entered value, we calculated the entered value in order to determine the assessment rate. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the weighted average [17] of the cash deposit rates calculated for Maquilacero and Prolamsa, excluding any which are zero, *de minimis,* or determined entirely on adverse facts available. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[18]

Commerce's ''automatic assessment'' practice will apply to entries of subject merchandise during the POR produced by Maquilacero or Prolamsa for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[19]

Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not covered in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment in which the company was reviewed; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the cash deposit rate established for the most recently completed segment of this proceeding for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 4.91 percent, the all-others rate established in the LTFV investigation.[20] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 15, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
V. Currency Conversion
VI. Recommendation

[FR Doc. 2021–01640 Filed 1–25–21; 8:45 am]

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[15] *See* section 751(a)(3)(A) of the Act.

[16] *See* 19 CFR 351.212(b).

[17] This rate was calculated as discussed in footnote 6, above.

[18] *See* section 751(a)(2)(C) of the Act.

[19] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[20] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders,* 81 FR 62865, 62867 (September 13, 2016).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–817]

Oil Country Tubular Goods From the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review, Rescission in Part, and Intent To Rescind in Part; 2018

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain producers/exporters of oil country tubular goods (OCTG) from the Republic of Turkey (Turkey) received countervailable subsidies during the period of review (POR) January 1, 2018, through December 31, 2018, that were *de minimis.* In addition, we are rescinding the review with respect to Cayirova Boru Sanayi ve Ticaret A.S. (Cayirova) and its affiliated trading company, Yucel Boru Ithalat-Ihracat ve Pazarlama A.S. Uic (Yucel) and announcing our preliminary intent to rescind this review with respect to five other companies. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: Dusten Hom, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5075.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2019, Commerce published a notice of initiation of an administrative review for the

countervailing duty (CVD) order [1] on OCTG from Turkey for the period January 1, 2018, through December 31, 2018.[2] On April 24, 2020, Commerce exercised its discretion to toll all deadlines in administrative reviews by 50 days.[3] On June 25, 2020, Commerce extended the deadline for the preliminary results by 120 days.[4] On July 21, 2020, Commerce tolled all deadlines in preliminary and final results of administrative reviews by an additional 60 days,[5] thereby extending the deadline for the preliminary results of this administrative review to January 19, 2021.

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum, which is hereby adopted by this notice.[6] A list of topics discussed in the Preliminary Decision Memorandum is included as the appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/*. The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the *Order* is certain OCTG from Turkey. For a complete description of the scope of the *Order, see* the Preliminary Decision Memorandum.[7]

Methodology

We are conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[8] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

Partial Rescission of Administrative Review

On October 23, 2019, Cayirova and its affiliated trading company, Yucel, notified Commerce that they had no sales, shipments, or entries of subject merchandise into the United States during the POR, and requested Commerce to rescind the reviews of these companies.[9] In the respondent selection memorandum, we stated that this notification is consistent with CBP data and that Commerce will rescind the administrative review of Yucel and Cayirova.[10] We received no comments with respect to our intent to rescind on these two companies. Because no evidence on the record contradicts these certifications, we are rescinding the review of the *Order* with respect to Yucel and Cayirova.

Intent To Rescind Administrative Review, in Part

It is Commerce's practice to rescind an administrative review of a countervailing duty order, pursuant to 19 CFR 351.213(d)(3), when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.[11] Normally, upon completion of an administrative review, the suspended entries are liquidated at the countervailing duty assessment rate calculated for the review period.[12] Therefore, for an administrative review of a company to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the calculated countervailing duty assessment rate calculated for the review period.[13]

According to the CBP import data, except for the mandatory respondent and its cross-owned companies, the companies subject to this review did not have reviewable entries of subject merchandise during the POR for which liquidation is suspended. Accordingly, in the absence of reviewable, suspended entries of subject merchandise during the POR, we are rescinding the review with respect to Yucel and Cayirova as explained above, and we intend to rescind this administrative review with respect to five additional companies, in accordance with 19 CFR 351.213(d)(3).[14]

Preliminary Results of the Review

We preliminarily determine the following net countervailable subsidy rate for the mandatory respondent, Borusan Mannesmann Boru Sanayi ve Ticaret A.S., for the period January 1, 2018, through December 31, 2018:

Company	Subsidy rate (percent *ad valorem*)
Borusan Mannesmann Boru Sanayi ve Ticaret A.S., Borusan Istikbal Ticaret, Borusan Lojistik Dag. Deg. Tas Ve, Borusan Mannesmann Boru Yatirim Holding A.Ş., and Borusan Holding A.Ş.[15]	* 0.38

* *de minimis.*

[1] *See Certain Oil Country Tubular Goods from India and the Republic of Turkey: Countervailing Duty Orders and Amended Affirmative Final Countervailing Duty Determination for India,* 79 FR 53688 (September 10, 2014) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019).

[3] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19 Government,'' dated April 24, 2020.

[4] *See* Memorandum, ''Administrative Review of the Countervailing Duty Order on Certain Oil Country Tubular Goods from the Republic of Turkey: Extension of Deadline for Preliminary Results,'' dated June 25, 2020.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of 2018 Countervailing Duty Administrative Review: Oil Country Tubular Goods from the Republic of Turkey,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[7] *See* Preliminary Decision Memorandum at 4–5.

[8] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[9] *See* Cayirova's and Yucel's Letter, ''OCTG from Turkey; Yucel No Shipment Letter,'' dated October 23, 2019.

[10] *See* Memorandum, ''Countervailing Duty Administrative Review of Oil Country Tubular Foods from the Republic of Turkey: Respondent Selection'', dated January 7, 2020.

[11] *See, e.g., Lightweight Thermal Paper from the People's Republic of China: Notice of Rescission of Countervailing Duty Administrative Review;* 2015, 82 FR 14349 (March 20, 2017); *see also Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Rescission of Countervailing Duty Administrative Review; 2017,* 84 FR 14650 (April 11, 2019).

[12] *See* 19 CFR 351.212(b)(2).

[13] *See* 19 CFR 351.213(d)(3).

[14] The five companies are: Bakir Grup Makine Imalat Bakim Montaj Demontaj Sanayi ve Ticaret Ltd. Sti.; Hydra Insaat Sanayi ve Ticaret Anonim Sirketi; Kalibre Boru Sanayi ve Ticaret; NETBORU San. ve Dis. Tic. Koll. Sti.; and Yilmaz Pipo.

Assessment Rates

Consistent with section 751(a)(1) of the Act and 19 CFR 351.212(b)(2), upon issuance of the final results, Commerce will determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. If Borusan continues to have a *de minimis* rate in the final results, Commerce intends to instruct CBP to liquidate shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 2018 through December 31, 2018, without regard to countervailing duties. Consistent with its recent notice,[16] Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

For the companies for which this review is rescinded, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2018 through December 31, 2018, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Requirements

In accordance with section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties at the rate determined in the final results. If the rate calculated for Borusan in the final results remains *de minimis,* no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, CBP will continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties in this review the calculations performed in reaching the preliminary results within five days of publication of these preliminary results.[17] Interested parties may submit written comments (case briefs) on the preliminary results no later than 30 days from the date of publication of this **Federal Register** notice, and rebuttal comments (rebuttal briefs) within seven days after the time limit for filing case briefs.[18] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[19] All briefs must be filed electronically using ACCESS.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS by 5 p.m. Eastern Time within 30 days after the date of publication of this notice.[20] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Issues addressed at the hearing will be limited to those raised in the briefs. If a request for a hearing is made, parties will be notified of the date and time for the hearing to be determined.[21]

Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, no later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1), unless this deadline is extended.

Notification to Interested Parties

These preliminary results and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: January 19, 2021.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–01674 Filed 1–25–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–880]

Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes From the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that the producers/exporters subject to this administrative review did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR) September 1, 2018 through August 31, 2019. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable January 26, 2021.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado or Jacob Garten, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4682 or (202) 482–3342, respectively.

SUPPLEMENTARY INFORMATION:

Background

On November 12, 2019, based on timely requests for review, in accordance with 19 CFR 351.221(c)(1)(i), we initiated an administrative review on heavy walled rectangular welded carbon steel pipes

[15] Commerce has determined that Borusan Mannesmann Boru Sanayi ve Ticaret A.S.; Borusan Istikbal Ticaret.; Borusan Lojistik Dag. Deg. Tas Ve; Borusan Mannesmann Boru Yatirim Holding A.Ş.; and Borusan Holding A.Ş. are cross-owned. *See* Preliminary Decision Memorandum.

[16] *See Notice of Discontinuation of Policy to Issue Liquidation Instructions After 15 Days in Applicable Antidumping and Countervailing Duty Administrative Proceedings,* 86 FR 3995 (January 15, 2021).

[17] *See* 19 CFR 351.224(b).

[18] *See* 19 CFR 351.309(c)(1)(ii); 351.309(d)(1); and 19 CFR 351.303 (for general filing requirements).

[19] *See* 19 CFR 351.309(c)(2) and (d)(2).

[20] *See* 19 CFR 351.310(c).

[21] *See* 19 CFR 351.310(d).

and tubes from Korea.[1] This review covers three producers and exporters of the subject merchandise.[2] Commerce selected Dong-A Steel Company (DOSCO) and HiSteel Co., Ltd (HiSteel) for individual examination. The producer and/or exporter not selected for individual examination is listed in the ''Preliminary Results of the Review'' section of this notice.

On April 20, 2020, Commerce extended the preliminary results of this review by 120 days, until September 29, 2020.[3] On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[4] On July 21, 2020, Commerce tolled all deadlines for preliminary and final determinations in administrative reviews by an additional 60 days.[5] Therefore, the deadline for the preliminary results of this review is January 19, 2021. For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[6]

Scope of the Order

The products covered by the order are certain heavy walled rectangular welded steel pipes and tubes from the Republic of Korea (Korea).[7] Products subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) item number 7306.61.1000. Subject merchandise may also be classified under 7306.61.3000. Although the HTSUS numbers and ASTM specification are provided for convenience and for customs purposes, the written product description remains dispositive.[8]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price are calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice.

Rate for Non-Selected Respondents

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in a market economy investigation, for guidance when calculating the rate for companies which were not selected for individual examination in an administrative review. Under section 735(c)(5)(A) of the Act, the all-others rate is normally ''an amount equal to the weighted-average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or de minimis margins, and any margins determined entirely {on the basis of facts available}.''

In this review, we have preliminarily calculated weighted-average dumping margins for DOSCO and HiSteel that are zero percent and we have assigned this rate to the non-selected company in this review (*i.e.,* Kukje Steel Co. Ltd), pursuant to section 735(c)(5)(B) of the Act.[9] For additional information, *see* the Preliminary Decision Memorandum.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margins exist for the period September 1, 2018 through August 31, 2019:

Producers/exporters	Weighted-average dumping margin (percent)
Dong-A Steel Co., Ltd[10]	0.00
HiSteel Co., Ltd	0.00
Kukje Steel Co., Ltd	0.00

Disclosure

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[11]

Verification

On February 19, 2020, Commerce received a request from the petitioners to conduct verification of the responses in this administrative review.[12] Commerce is currently unable to conduct on-site verification of the information relied upon for the final results of this review. Accordingly, we intend to take additional steps in lieu of on-site verification. Commerce will notify interested parties of any additional documentation or information required.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance. A timeline for the submission of case briefs and written comments will be provided to interested parties at a later date. Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than seven days after the deadline for filing case briefs.[13] Parties who submit case briefs

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019).

[2] We received a timely submission withdrawing all review requests for 19 companies; we rescinded the review with respect to these companies. *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Rescission of Antidumping Duty Administrative Review; 2018–2019, in Part,* 85 FR 16060 (March 20, 2020).

[3] *See* Memorandum, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Extension of Deadline for Preliminary Results of the 3rd Antidumping Duty Administrative Review,'' dated April 20, 2020.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[5] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[6] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2018–2019 Administrative Review of the Antidumping Duty Order on Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from Korea,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[7] For a complete description of the scope of the Order, *see* Preliminary Decision Memorandum.

[8] For a full description of the scope of the order, *see* the Preliminary Decision Memorandum.

[9] *See Albemarle Corp.* v. *United States,* 821 F.3d 1345 (Fed. Cir. 2016).

[10] As discussed in the Preliminary Decision Memorandum, Commerce has preliminarily determined to collapse Dong-A Steel Co., Ltd. with its affiliated producer SeAH Steel Corporation, and treat these companies as a single entity, in accordance with 19 CFR 351.401(f).

[11] *See* 19 CFR 351.224(b).

[12] *See* Petitioner's Letter, ''Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea: Request for Verification,'' dated February 19, 2020.

[13] Commerce is exercising its discretion, under 19 CFR 351.309(d)(1), to alter the time limit for filing of rebuttal briefs. *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19;*

or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14] Case and rebuttal briefs should be filed using ACCESS.[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically via ACCESS within 30 days after the date of publication of this notice.[16] Hearing requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a date and time to be determined.[17] Parties should confirm the date, time, and location of the hearing two days before the scheduled date.

An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the established deadline.

Final Results

Commerce intends to issue the final results of this administrative review, including the results of its analysis of issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless otherwise extended.[18]

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries.[19] If the weighted average dumping margin for DOSCO or HiSteel is not zero or *de minimis* (*i.e.,* less than 0.5 percent), we will calculate importer-specific *ad valorem* antidumping duty assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[20] Where the respondent did not report entered value, we will calculate the entered value in order to calculate the assessment rate. If the weighted-average dumping margin for the respondents listed above is zero or de minimis in the final results, or an importer-specific assessment rate is zero or *de minimis* in the final results, we will instruct CBP not to assess antidumping duties on any of their entries in accordance with the *Final Modification for Reviews.*[21]

Commerce's ''automatic assessment'' will apply to entries of subject merchandise during the POR produced by companies included in these final results of review for which the reviewed companies did not know that the merchandise they sold to the intermediary (*e.g.,* a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[22]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the exporters listed above will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50 percent and therefore *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for companies not participating in this review, the cash deposit rate will continue to be the company-specific cash deposit rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the producer is, then the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 3.24 percent, the all-others rate established in the LTFV investigation.[23] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 15, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–01639 Filed 1–25–21; 8:45 am]

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Extension of Effective Period, 85 FR 41363 (July 10, 2020).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.303.

[16] *See* 19 CFR 351.310(c).

[17] *See* 19 CFR 351.310(d).

[18] *See* section 751(a)(3)(A) of the Act.

[19] *See* 19 CFR 351.212(b).

[20] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[21] *Id.* at 8102.

[22] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[23] *See Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes from the Republic of Korea, Mexico, and the Republic of Turkey: Antidumping Duty Orders,* 81 FR 62865, 62866 (September 13, 2016).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Federal Consistency Appeal by Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline, LP

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice—extension of time to issue a decision.

SUMMARY: This announcement provides notice that the deadline for issuing a decision has been extended by 15 days in the administrative appeal filed with the Department of Commerce (Department) by Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline, LP (collectively, ''Appellants'') requesting that the Secretary of Commerce (Secretary) override an objection by the Oregon Department of Land Conservation and Development (DLCD) to a consistency certification for a proposed project to construct and operate a liquefied natural gas export terminal and a 229-mile natural gas pipeline and compressor station off the Pacific Coast.

DATES: The new deadline for issuing a decision on Appellants' Federal consistency appeal of DLCD's objection is extended to February 9, 2021.

ADDRESSES: NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website: *https://www.regulations.gov/docket?D=NOAA-HQ-2020-0058.*

FOR FURTHER INFORMATION CONTACT: For questions about this Notice, contact Rachel Morris, Attorney-Advisor, NOAA Office of the General Counsel, Oceans and Coasts Section, and Patrick Carroll, Attorney-Advisor, NOAA Office of the General Counsel, Oceans and Coasts Section, at *jordancove.appeal@noaa.gov* or (301) 713–7387.

SUPPLEMENTARY INFORMATION: On March 20, 2020, the Secretary received a ''Notice of Appeal'' filed by Appellants pursuant to the Coastal Zone Management Act of 1972 (CZMA), 16 U.S.C. 1451 *et seq.,* and implementing regulations found at 15 CFR part 930, subpart H. The Notice of Appeal is taken from an objection by the DLCD to a consistency certification for a proposed project to construct and operate a liquefied natural gas export terminal and a 229-mile natural gas pipeline and compressor station off the Pacific Coast. This matter constitutes an appeal of an ''energy project'' within the meaning of the CZMA regulations. *See* 15 CFR 930.123(c).

Under the CZMA, the Secretary may override the DLCD's objection on grounds that the project is consistent with the objectives or purposes of the CZMA, or is necessary in the interest of national security. To make the determination that the proposed activity is ''consistent with the objectives or purposes of the CZMA,'' the Department must find that: (1) The proposed activity furthers the national interest as articulated in sections 302 or 303 of the CZMA, in a significant or substantial manner; (2) the national interest furthered by the proposed activity outweighs the activity's adverse coastal effects, when those effects are considered separately or cumulatively; and (3) no reasonable alternative is available that would permit the proposed activity to be conducted in a manner consistent with the enforceable policies of the applicable coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is ''necessary in the interest of national security,'' the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed. 15 CFR 930.122.

On November 27, 2020, NOAA published a **Federal Register** Notice announcing closure of the appeal decision record. 85 FR 76017. Under the CZMA, a final decision on the appeal must be issued no later than 60 days after notice announcing closure of the decision record is published. 16 U.S.C. 1465(b)(3). This deadline may be extended, however, by publishing (within the 60-day period) a subsequent notice explaining why a decision cannot be issued within that time frame. 16 U.S.C. 1465(c)(1). In that event, a final decision must be issued no later than 15 days after the date of publication of the subsequent notice. 16 U.S.C. 1465(c)(2).

This announcement provides notice that the deadline for issuing a decision on this appeal has been extended by 15 days. The additional time is needed to complete a review of the record and reach a decision. A decision on the Federal consistency appeal will be issued no later than February 9, 2021.

NOAA has provided access to publicly available materials and related documents comprising the appeal record on the following website: *https://www.regulations.gov/docket?D=NOAA-HQ-2020-0058.*

Adam Dilts,

Chief, Oceans and Coasts Section, NOAA Office of the General Counsel.

[FR Doc. 2021–01736 Filed 1–22–21; 4:15 pm]

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DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0010]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application for Perkins Innovation and Modernization Program Grants

AGENCY: Office of Career, Technical, and Adult Education (OCTAE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before February 25, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment'' checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Braden Goetz, 202–245–7405.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the

following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Perkins Innovation and Modernization Program Grants.

OMB Control Number: 1830–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 1,800.

Abstract: This information collection request solicits applications for the Perkins Innovation and Modernization discretionary grant program authorized by section 114 of the Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act. The collection request contains priorities, requirements, and selection criteria to be used to assess the quality of applications, as well as a definition of computer science that is associated with one of the priorities. One or more of these priorities, requirements, and selection criteria may be used in future Perkins Innovation and Modernization grant competitions and included in notices inviting applications for such competitions.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection request.

Dated: January 21, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–01642 Filed 1–25–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Federal Perkins Loan, Federal Work-Study, and Federal Supplemental Educational Opportunity Grant Programs; 2021–22 Award Year Deadline Dates

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the 2021–22 award year deadline dates for the submission of requests and documents from postsecondary institutions for the Federal Perkins Loan (Perkins Loan) Program, Federal Work-Study (FWS), and Federal Supplemental Educational Opportunity Grant (FSEOG) programs (collectively, the ''Campus-Based programs''), Assistance Listing Numbers 84.038, 84.033, and 84.007.

DATES: The deadline dates for each program are specified in the chart in the Deadline Dates section of this notice.

FOR FURTHER INFORMATION CONTACT: Shannon Mahan, Director, Grants & Campus-Based Programs, U.S. Department of Education, Federal Student Aid, 830 First Street NE, Union Center Plaza, Room 64C4, Washington, DC 20202–5453. Telephone: (202) 377–3019. Email: *shannon.mahan@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The authority to award new Federal Perkins Loans to students has expired. Institutions that continue to service their Perkins Loans (or contract with a third-party servicer for servicing) are required to report all Perkins Loan activity on the institution's Fiscal Operations Report and Application to Participate (FISAP).

The FWS program encourages the part-time employment of needy undergraduate and graduate students to help pay for their education and to involve the students in community service activities.

The FSEOG program encourages institutions to provide grants to exceptionally needy undergraduate students to help pay for their education.

The Perkins Loan, FWS, and FSEOG programs are authorized by parts E and C, and part A, subpart 3, respectively, of title IV of the Higher Education Act of 1965, as amended.

Throughout the year, in its ''Electronic Announcements,'' the Department will continue to provide additional information for the individual deadline dates listed in the table under the Deadline Dates section of this notice. You will also find the information on the Information for Financial Aid Professionals (IFAP) website at: *www.ifap.ed.gov.*

Deadline Dates: The following table provides the 2021–22 award year deadline dates for the submission of applications, reports, waiver requests, and other documents for the Campus-Based programs. Institutions must meet the established deadline dates to ensure consideration for funding or waiver, as appropriate.

2021–22 Award Year Deadline Dates

What does an institution submit?	How is it submitted?	What is the deadline for submission?
1. The Campus-Based Reallocation Form designated for the return of 2020–21 funds and the request for supplemental FWS funds for the 2021–22 award year.	The Reallocation Form must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*.	Monday, August 16, 2021.
2. The 2022–23 FISAP (reporting 2020–21 expenditure data and requesting funds for 2022–23).	The FISAP must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*.	Friday, October 1, 2021.

2021–22 AWARD YEAR DEADLINE DATES—Continued

What does an institution submit?	How is it submitted?	What is the deadline for submission?
	The FISAP signature page must be signed by the institution's Chief Executive Officer with an original signature and mailed to: FISAP Administrator, U.S. Department of Education, P.O. Box 9003, Niagara Falls, NY 14302. For overnight delivery, mail to: FISAP Administrator, 2429 Military Road, Suite 200, Niagara Falls, NY 14304.	
3. The Work Colleges Program Report of 2020–21 award year expenditures.	The Work Colleges Program Report of Expenditures must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*. The signature page must be signed by the institution's Chief Executive Officer with an original signature and sent to the U.S. Department of Education using one of the following methods: Hand deliver to: U.S. Department of Education, Federal Student Aid, Grants & Campus-Based Division, 830 First Street NE, Room 62B1, Attn: Work Colleges Coordinator, Washington, DC 20002, or Mail to: The address listed above for hand delivery. However, please use ZIP Code 20202–5453.	Friday, October 1, 2021.
4. The 2020–21 Financial Assistance for Students with Intellectual Disabilities Expenditure Report.	The Financial Assistance for Students with Intellectual Disabilities Expenditure Report must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*. The signature page must be signed by the institution's Chief Executive Officer with an original signature and mailed to: FISAP Administrator, U.S. Department of Education, P.O. Box 9003, Niagara Falls, NY 14302. For overnight delivery, mail to: FISAP Administrator, 2429 Military Road, Suite 200, Niagara Falls, NY 14304.	Friday, October 1, 2021.
5. 2022–23 FISAP Edit Corrections.	FISAP Edit Corrections must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*.	Wednesday, December 15, 2021.
6. The 2022–23 FISAP Perkins Cash on Hand Update as of October 31, 2021.	The Perkins Cash on Hand Update must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*.	Wednesday, December 15, 2021.
7. Request for a waiver of the 2022–23 award year penalty for the underuse of 2020–21 award year funds.	The request for the waiver of penalty for underuse of funds and the justification must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*.	Monday, February 7, 2022.
8. The Institutional Application and Agreement for Participation in the Work Colleges Program for the 2022–23 award year.	The Institutional Application and Agreement for Participation in the Work Colleges Program must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*. The signature page must be signed by the institution's Chief Executive Officer with an original signature and sent to the U.S. Department of Education using one of the following methods: Hand deliver to: U.S. Department of Education, Federal Student Aid, Grants & Campus-Based Division, 830 First Street NE, Room 62B1, Attn: Work Colleges Coordinator, Washington, DC 20002, or Mail to: The address listed above for hand delivery. However, please use ZIP Code 20202–5453.	Monday, March 7, 2022.
9. Request for a waiver of the FWS Community Service Expenditure Requirement for the 2022–23 award year.	The request for the waiver of FWS Community Service Expenditure Requirement must be submitted electronically through the Common Origination and Disbursement website at *https://cod.ed.gov*.	Monday, April 25, 2022.

Notes:

- The deadline for electronic submissions is 11:59:00 p.m. (Eastern Time) on the applicable deadline date. Transmissions must be completed and accepted by 11:59:00 p.m. to meet the deadline.
- Paper documents that are sent through the U.S. Postal Service must be postmarked or you must have a mail receipt stamped by the applicable deadline date.
- Paper documents that are delivered by a commercial courier must be received no later than 4:30:00 p.m. (Eastern Time) on the applicable deadline date.
- The Secretary may consider on a case-by-case basis the effect that a major disaster, as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)), or another unusual circumstance has on an institution in meeting the deadlines.

Proof of Mailing or Hand Delivery of Paper Documents

If you submit paper documents when permitted by mail or by hand delivery (or from a commercial courier), we accept as proof one of the following:

(1) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(2) A legibly dated U.S. Postal Service postmark.

(3) A dated shipping label, invoice, or receipt from a commercial courier.

(4) Any other proof of mailing or delivery acceptable to the Secretary.

If you mail your paper documents through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

All institutions are encouraged to use certified or at least first-class mail.

The Department accepts hand deliveries from you or a commercial courier between 8:00:00 a.m. and 4:30:00 p.m., Eastern Time, Monday through Friday except Federal holidays.

Sources for Detailed Information on These Requests

A more detailed discussion of each request for funds or waiver is provided in specific ''Electronic Announcements,'' which are posted on the Department's IFAP website (*http://ifap.ed.gov*) at least 30 days before the established deadline date for the specific request. Information on these items is also found in the Federal Student Aid Handbook, which is also posted on the Department's IFAP website.

Applicable Regulations: The following regulations apply to these programs:

(1) Student Assistance General Provisions, 34 CFR part 668.

(2) General Provisions for the Federal Perkins Loan

Program, Federal Work-Study Program, and Federal

Supplemental Educational Opportunity Grant Program, 34 CFR part 673.

(3) Federal Perkins Loan Program, 34 CFR part 674.

(4) Federal Work-Study Program, 34 CFR part 675.

(5) Federal Supplemental Educational Opportunity Grant Program, 34 CFR part 676.

(6) Institutional Eligibility under the Higher Education Act of 1965, as amended, 34 CFR part 600.

(7) Restrictions on Lobbying, 34 CFR part 82.

(8) Governmentwide Requirements for Drug-Free Workplace (Financial Assistance), 34 CFR part 84.

(9) Governmentwide Debarment and Suspension

(Nonprocurement), 2 CFR part 3485.

(10) Drug and Alcohol Abuse Prevention, 34 CFR part 86.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1070b *et seq.* and 1087aa *et seq.;* 42 U.S.C. 2751 *et seq.*

Mark A. Brown,

Chief Operating Officer, Federal Student Aid

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[FR Doc. 2021–01569 Filed 1–25–21; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Sunshine Act Meetings

AGENCY: U.S. Election Assistance Commission.

ACTION: Notice of public meeting agenda.

SUMMARY: U.S. Election Assistance Commission Meeting to Vote on Adoption of VVSG 2.0.

DATES: Wednesday, February 10, 2021, 10:00 a.m.–11:00 a.m. Eastern.

ADDRESSES: Virtual via Zoom.

The official meeting is open to the public and will be livestreamed on the U.S. Election Assistance Commission YouTube Channel: *https://www.youtube.com/channel/UCpN6i0g2rlF4ITWhwvBwwZw.*

FOR FURTHER INFORMATION CONTACT: Kristen Muthig, Telephone: (202) 897–9285, Email: *kmuthig@eac.gov.*

SUPPLEMENTARY INFORMATION:

Purpose: In accordance with the Government in the Sunshine Act (Sunshine Act), Public Law 94–409, as amended (5 U.S.C. 552b), the U.S. Election Assistance Commission (EAC) will conduct an official meeting on the Voluntary Voting System Guidelines (VVSG) 2.0.

Agenda: The U.S. Election Assistance Commission (EAC) will hear a presentation about the VVSG 2.0 from EAC Executive Director Mona Harrington and will consider the VVSG 2.0 for adoption.

The full agenda will be posted in advance on the EAC website: *https://www.eac.gov.*

Background: The Federal Election Commission published the first two sets of federal standards in 1990 and 2002. The EAC then adopted Version 1.0 of the VVSG on December 13, 2005. In an effort to update and improve version 1.0 of the VVSG, on March 31, 2015, the EAC commissioners unanimously approved VVSG 1.1.

Throughout 2020, EAC staff worked with the National Institute of Standards and Technology (NIST), the EAC's advisory boards, and gathered input from the public to advance the latest iteration of the VVSG.

The EAC submitted the proposed VVSG 2.0 Requirements to the Standards Board and Board of Advisors executive committees for review on March 11th. The virtual annual meeting for the EAC Board of Advisors was held on July 17th, and the virtual annual meeting for the EAC Standards Board on July 31st. Both meetings focused on VVSG 2.0. The Standards Board passed a resolution recommending adoption of the VVSG 2.0 Requirements.

VVSG 2.0 virtual hearings were held on March 27th, May 6th, and May 20th to accept feedback and testimony from stakeholders.

On March 24th, the EAC initiated a 90-day public comment period on the VVSG 2.0 Requirements which concluded on June 22nd. The EAC received 77 sets of comments and a total of 1,660 comments. The comments predominately focused on accessibility,

ambiguity and vagueness of requirements, inconsistent terminology, and additions and changes to the glossary.

The EAC worked on numerous parallel paths in order to submit the VVSG 2.0 to the Commissioners for adoption. Throughout the summer and fall, the EAC's staff met twice per week with the NIST Voting Systems Program to evaluate and resolve public comments on the requirements. EAC staff updated the Voting System Test Laboratory Program Manual and Testing and Certification Program Manual, and developed test assertions to support the VVSG 2.0.

Status: This meeting will be open to the public.

Amanda Joiner,

Associate Counsel, U.S. Election Assistance Commission.

[FR Doc. 2021–01805 Filed 1–22–21; 4:15 pm]

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–45–000.

Applicants: PEI Power II LLC, PEI Power Corporation.

Description: Application for Authorization Under Section 203 of the Federal Power Act of PEI Power, LLC, et al.

Filed Date: 1/14/21.

Accession Number: 20210114–5153.

Comments Due: 5 p.m. ET 2/4/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2460–017; ER10–2461 018; ER10–2463 017; ER10–2466 018; ER10–2895 021; ER10–2917 021; ER10–2918 022; ER10–2920 021; ER10–2921 021; ER10–2922 021; ER10–2966 021; ER10–3167 013; ER11–2201 021; ER11–2383 016; ER11–3941 019; ER11–3942 023; ER11–4029 017; ER12–1311 017; ER12–161 021; ER12–2068 017; ER12–682 018; ER13–1613 014; ER13–17 015; ER13–203 013; ER13–2143 014; ER14–1964 012; ER16–287 007; ER17–482 006; ER19–1074 005; ER19–1075 005; ER19–529 005; ER20–1447 002.

Applicants: Bear Swamp Power Company LLC, BIF II Safe Harbor Holdings, LLC, BIF III Holtwood LLC, Black Bear SO, LLC, Black Bear Development Holdings, LLC, Black Bear Hydro Partners, LLC, BREG Aggregator LLC, Brookfield Energy Marketing Inc., Brookfield Energy Marketing LP, Brookfield Energy Marketing US LLC, Brookfield Power Piney & Deep Creek LLC, Brookfield Renewable Energy Marketing US, LLC, Brookfield Renewable Trading and Marketing, LP, Brookfield White Pine Hydro LLC, Carr Street Generating Station, L.P., Erie Boulevard Hydropower, L.P., Granite Reliable Power, LLC, Great Lakes Hydro America, LLC, Hawks Nest Hydro LLC, Rumford Falls Hydro LLC, Safe Harbor Water Power Corporation, Bishop Hill Energy, LLC, Blue Sky East, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, Niagara Wind Power, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC.

Description: Supplemental information to updated Market Power Analysis for Northeast Region of Bear Swamp Power Company LLC.

Filed Date: 12/9/20.

Accession Number: 20201209–5093.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER11–2383–017.

Applicants: Safe Harbor Water Power Corporation.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT to be effective N/A.

Filed Date: 1/15/21.

Accession Number: 20210115–5086.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER11–4267–012; ER16–2169–004; ER16–2364–004; ER17–692–003.

Applicants: Algonquin Energy Services Inc., Algonquin SKIC 20 Solar, LLC, Algonquin SKIC 10 Solar, LLC, Algonquin Power Sanger LLC.

Description: Triennial Market Power Analysis for Southwest Region of Algonquin Energy Services Inc., et al.

Filed Date: 1/14/21.

Accession Number: 20210114–5150.

Comments Due: 5 p.m. ET 3/15/21.

Docket Numbers: ER16–1530–002.

Applicants: BIF III Holtwood LLC.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT to be effective N/A.

Filed Date: 1/15/21.

Accession Number: 20210115–5083.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER17–184–002.

Applicants: SociVolta Inc.

Description: Notice of Change in Status of SociVolta Inc.

Filed Date: 1/14/21.

Accession Number: 20210114–5151.

Comments Due: 5 p.m. ET 2/4/21.

Docket Numbers: ER19–13–006.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: TO20 Global Settlement Compliance Filing to be effective 1/27/2020.

Filed Date: 1/15/21.

Accession Number: 20210115–5164.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER19–13–007.

Applicants: Pacific Gas and Electric Company.

Description: Compliance filing: Model Correction for TO20 Motion for Interim Rates Compliance Filing to be effective 1/1/2021.

Filed Date: 1/15/21.

Accession Number: 20210115–5167.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–254–002.

Applicants: Harmony Florida Solar, LLC.

Description: Tariff Amendment: Harmony Florida Solar, LLC Amendment and Supplement to MBR Application to be effective 10/30/2020.

Filed Date: 1/15/21.

Accession Number: 20210115–5190.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–255–002.

Applicants: Taylor Creek Solar, LLC.

Description: Tariff Amendment: Taylor Creek Solar, LLC Amendment and Supplement to MBR Application to be effective 10/30/2020.

Filed Date: 1/15/21.

Accession Number: 20210115–5192.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–300–001.

Applicants: Wisconsin Power and Light Company.

Description: Tariff Amendment: WPL Deficiency Response—QF Rider to be effective 12/31/2020.

Filed Date: 1/15/21.

Accession Number: 20210115–5113.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–383–001.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Company LLC.

Description: Tariff Amendment: 2021–01–15_SA 3581 ATC-Muscoda Substitute CFA to be effective 3/20/2021.

Filed Date: 1/15/21.

Accession Number: 20210115–5031.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–511–002.

Applicants: Safe Harbor Water Power Corporation.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT to be effective N/A.

Filed Date: 1/15/21.
Accession Number: 20210115–5091.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–883–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original WMPA, Service Agreement No. 5932; Queue No. AE2–028 to be effective 12/15/2020.
Filed Date: 1/14/21.
Accession Number: 20210114–5135.
Comments Due: 5 p.m. ET 2/4/21.
Docket Numbers: ER21–884–000.
Applicants: Ohio Power Company, AEP Ohio Transmission Company, Inc., American Electric Power Service Corporation, PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: AEP submits Four FAs re: ILDSA SA No. 1336 to be effective 3/16/2021.
Filed Date: 1/14/21.
Accession Number: 20210114–5138.
Comments Due: 5 p.m. ET 2/4/21.
Docket Numbers: ER21–886–000.
Applicants: NorthWestern Corporation.
Description: § 205(d) Rate Filing: Revision to Attachment M—Large Generator Interconnection Procedures to be effective 1/25/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5030.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–887–000.
Applicants: Brookfield Power Piney & Deep Creek LLC.
Description: Compliance filing: eTariff Baseline Submission to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5062.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–887–001.
Applicants: Brookfield Power Piney & Deep Creek LLC.
Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT to be effective N/A.
Filed Date: 1/15/21.
Accession Number: 20210115–5084.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–889–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement No. 385—SPPA NITS to be effective 1/1/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5111.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–890–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 205 filing NYISO proposed clarification to tailored availability metric to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5114.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–892–000.
Applicants: New York Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 205 filing NYISO solar resources rules tariff revisions to be effective 12/31/9998.
Filed Date: 1/15/21.
Accession Number: 20210115–5117.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–893–000.
Applicants: Arizona Public Service Company.
Description: § 205(d) Rate Filing: Service Agreement Nos. 376, Amendment No. 2 to be effective 12/22/2020.
Filed Date: 1/15/21.
Accession Number: 20210115–5123.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–894–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: Transition Mechanism Ageement with KMPA to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5131.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–895–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: Transition Mechanism Agreement with KYMEA to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5141.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–896–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: Transition Mechanism Agreement with OMU to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5145.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–897–000.
Applicants: Kentucky Utilities Company.
Description: § 205(d) Rate Filing: KU Concurrence with LGE and KU KMPA Transition Mechanism Agreement to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5147.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–898–000.
Applicants: Baldwin Wind, LLC.
Description: Tariff Cancellation: Baldwin Wind, LLC MBR Tariff Cancellation to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5150.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–899–000.
Applicants: Day County Wind, LLC.
Description: Tariff Cancellation: Day County Wind, LLC MBR Tariff Cancellation to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5151.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–900–000.
Applicants: Kentucky Utilities Company.
Description: § 205(d) Rate Filing: KU Concurrence with LGE and KU KYMEA Transition Mechanism Agreement to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5152.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–901–000.
Applicants: FPL Energy Cowboy Wind, LLC.
Description: Tariff Cancellation: FPL Energy Cowboy Wind, LLC MBR Tariff Cancellation to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5155.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–902–000.
Applicants: Gray County Wind Energy, LLC.
Description: Tariff Cancellation: Gray County Wind Energy, LLC MBR Tariff Cancellation to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5156.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–904–000.
Applicants: Kentucky Utilities Company.
Description: § 205(d) Rate Filing: KU Concurrence with LGE and KU OMU Transition Mechanism Agreement to be effective 3/17/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5158.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–905–000.
Applicants: High Majestic Wind Energy Center, LLC.
Description: Tariff Cancellation: High Majestic Wind Energy Center, LLC MBR Tariff Cancellation to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5159.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–906–000.
Applicants: Minco Wind, LLC.
Description: Tariff Cancellation: Minco Wind, LLC MBR Tariff Cancellation to be effective 1/16/2021.
Filed Date: 1/15/21.
Accession Number: 20210115–5160.
Comments Due: 5 p.m. ET 2/5/21.
Docket Numbers: ER21–907–000.

Applicants: NextEra Energy Transmission New York, Inc., New York Independent System Operator, Inc.

Description: § 205(d) Rate Filing: NEETNY 205 Rate Schedule to be effective 3/17/2021.

Filed Date: 1/15/21.

Accession Number: 20210115–5161.

Comments Due: 5 p.m. ET 2/5/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 15, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01557 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2290–008.

Applicants: Avista Corporation.

Description: Notice of Non-Material Change in Status of Avista Corporation.

Filed Date: 1/19/21.

Accession Number: 20210119–5143.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER10–2912–007.

Applicants: Alliance for Cooperative Energy Services Power Marketing LLC.

Description: Notice of Non-Material Change in Status of Alliance for Cooperative Energy Services Power Marketing LLC.

Filed Date: 1/19/21.

Accession Number: 20210119–5102.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER20–181–001.

Applicants: Cimarron Windpower II, LLC.

Description: Compliance filing: Amendment Tariff Filing—Corrections to be effective 3/21/2021.

Filed Date: 1/19/21.

Accession Number: 20210119–5178.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER20–182–001.

Applicants: Ironwood Windpower, LLC.

Description: Compliance filing: Amendment Tariff Filing—Corrections to be effective 3/21/2021.

Filed Date: 1/19/21.

Accession Number: 20210119–5190.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER20–183–001.

Applicants: Caprock Solar I LLC.

Description: Compliance filing: Amendment Tariff Filing—Corrections to be effective 3/21/2021.

Filed Date: 1/19/21.

Accession Number: 20210119–5197.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER20–184–001.

Applicants: Frontier Windpower, LLC.

Description: Compliance filing: Amendment Tariff Filing—Corrections to be effective 3/21/2021.

Filed Date: 1/19/21.

Accession Number: 20210119–5185.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER20–1832–001.

Applicants: Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., PJM Interconnection, L.L.C.

Description: Compliance filing: DEOK submits Deficiency Letter re: Order 864 in ER20–1832 to be effective 1/27/2020.

Filed Date: 1/15/21.

Accession Number: 20210115–5207.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER20–2597–002; ER20–1991–002; ER20–2153–003; ER20–2380–002.

Applicants: Soldier Creek Wind, LLC, Ponderosa Wind, LLC, Sanford Airport Solar, LLC, Saint Solar, LLC.

Description: Notice of Non-Material Change in Status of Soldier Creek Wind, LLC, et. al.

Filed Date: 1/15/21.

Accession Number: 20210115–5247.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–903–000.

Applicants: BIF III Holtwood LLC, Brookfield Power Piney & Deep Creek LLC, Safe Harbor Water Power Corporation.

Description: Requests for Waiver, et al. of BIF III Holtwood LLC, et al.

Filed Date: 1/15/21.

Accession Number: 20210115–5157.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–908–000.

Applicants: Western Aeon Energy Trading LLC.

Description: Baseline eTariff Filing: Baseline new to be effective 2/1/2021.

Filed Date: 1/15/21.

Accession Number: 20210115–5170.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–909–000.

Applicants: American Electric Power Service Corporation, Appalachian Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: AEP submits ILDSA, SA No. 1252 and Skimmer Facilities Agreement to be effective 1/29/2021.

Filed Date: 1/15/21.

Accession Number: 20210115–5183.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–910–000.

Applicants: Potomac Electric Power Company, PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Construction Agreement SA No. 5933 between Pepco and SMECO to be effective 10/23/2020.

Filed Date: 1/15/21.

Accession Number: 20210115–5189.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–911–000.

Applicants: Montana-Dakota Utilities Co.

Description: § 205(d) Rate Filing: Updated Seller Category and Market Power Analysis, ER19–1217–002, ER10–3199–005 to be effective 1/16/2021.

Filed Date: 1/15/21.

Accession Number: 20210115–5206.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–912–000.

Applicants: Louisville Gas and Electric Company, Kentucky Utilities Company.

Description: Notice of Cancellation of First Revised Rate Schedule No. 402 of Louisville Gas and Electric Company, et al.

Filed Date: 1/15/21.

Accession Number: 20210115–5229.

Comments Due: 5 p.m. ET 2/5/21.

Docket Numbers: ER21–913–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: RE Sumter (Lacrosse Road Solar) LGIA Amendment Filing to be effective 12/18/2020.

Filed Date: 1/19/21.

Accession Number: 20210119–5093.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER21–914–000.

Applicants: Tenaska Pennsylvania Partners, LLC.

Description: § 205(d) Rate Filing: Filing of Non-Substantive Rate Schedule Revision to be effective 11/1/2019.

Filed Date: 1/19/21.

Accession Number: 20210119–5147.

Comments Due: 5 p.m. ET 2/9/21.

Docket Numbers: ER21–915–000.
Applicants: Entergy Arkansas, LLC.
Description: § 205(d) Rate Filing: EAL–MSS–4 Replacement Tariff to be effective 3/20/2021.
Filed Date: 1/19/21.
Accession Number: 20210119–5191.
Comments Due: 5 p.m. ET 2/9/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 19, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–01658 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER21–908–000]

Western Aeon Energy Trading LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Western Aeon Energy Trading LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is February 8, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Dated: January 19, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–01660 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM21–9–000]

Financial Assurance Measures for Hydroelectric Projects

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of inquiry.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is inviting comments on what changes, if any, the Commission should make to its practices for requiring financial assurance measures in licenses and other authorizations for hydroelectric projects.

DATES: Comments are due March 29, 2021.

ADDRESSES: Comments, identified by Docket No. RM21–9–000, may be filed in the following ways:

- *Agency website:* Electronic filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail:* Those unable to file electronically may mail comments via the U.S. Postal Service to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. Hand-delivered comments or comments sent via any other carrier should be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions: For detailed instructions on submitting comments, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Elizabeth Bootz (Legal Information)
Office of the General Counsel—Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6452, *Elizabeth.Bootz@ferc.gov*.
Kelly Houff (Technical Information)
Office of Energy Projects, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6393, *Kelly.Houff@ferc.gov*.

SUPPLEMENTARY INFORMATION: In this Notice of Inquiry, the Federal Energy Regulatory Commission (Commission) seeks comments on whether, and if so, how the Commission should require additional financial assurance

mechanisms in the licenses [1] and other authorizations it issues for hydroelectric projects, to ensure that licensees have the capability to carry out license requirements and, particularly, to maintain their projects in safe condition.

I. Background

1. Section 4(e) of the Federal Power Act (FPA) authorizes the Commission to issue licenses ''for the purpose of constructing, operating, and maintaining dams, water conduits, reservoirs, power houses, transmission lines, or other project works necessary or convenient . . . for the development, transmission, and utilization of power.'' [2] Approximately 1,600 hydroelectric projects throughout the United States are under Commission license. In issuing these hydroelectric licenses, the Commission is required to consider power and development purposes and ''give equal consideration to the purposes of energy conservation, the protection, mitigation of damage to, and enhancement of, fish and wildlife (including related spawning grounds and habitat), the protection of recreational opportunities, and the preservation of other aspects of environmental quality.'' [3] Section 10(a) of the FPA requires that any project for which the Commission issues a license be best adapted to a comprehensive plan for improving or developing a waterway or waterways for the use or benefit of interstate or foreign commerce; for the improvement and use of waterpower development; for the adequate protection, mitigation, and enhancement of fish and wildlife; and for other beneficial public uses, including irrigation, flood control, water supply, recreation, and other purposes.[4]

2. Section 10(c) of the FPA also requires licensees to ''maintain the project works in a condition of repair adequate for the purposes of navigation and for the efficient operation of said works in the development and transmission of power, . . . make all necessary renewals and replacements, . . . establish and maintain adequate depreciation reserves for such purposes, . . . so maintain and operate said works as not to impair navigation, and . . . conform to such rules and regulations as the Commission may from time to time prescribe for the protection of life, health, and property.'' [5]

3. In making its public interest determination under section 10(a), the Commission considers a number of factors, including the economic benefits of project power. The basic purpose of the Commission's economic analysis is to provide a general estimate of the potential power benefits and the costs of a project, and reasonable alternatives to project power. As articulated in *Mead Corp.,* project economics is one of many factors the Commission considers in determining whether or not, and under what conditions to issue a license.[6] Ultimately, it is up to the applicant to decide whether to accept a license as conditioned and any financial risks that entails. However, the *Mead Corp.* analysis is intended only to provide a rough estimate of the cost of project power compared to that of alternative energy sources: It is not intended to show whether and to what degree the project will have a positive cash flow over the life of the license. The Commission has explained that making predictions of long-term project economics would involve speculation as there are many variables, known and unknown.[7]

4. The Commission has taken steps to protect against the failure of a project sponsor's financial planning. For example, to reduce the risk that a project under construction could be abandoned before completion of construction because of inadequate funds, the Commission has required the licensee to file a financing plan prior to beginning construction.[8] Initially, financing plans were included in original licenses or relicenses with extensive new construction to ensure that construction could be completed; [9] however, the financing plan article has been modified to ensure funds are available for operation and maintenance in addition to construction.[10] Accordingly, the Commission currently includes a financing plan article in licenses that authorize new construction.[11] This article requires licensees to file a project financing plan with the Commission to show that the licensee has the necessary funds to complete project construction and to operate and maintain the project.[12] This article, however, does not require a licensee to demonstrate the ability to finance unknown future obligations that may arise from environmental concerns or significant dam safety issues.

5. In rare cases, the Commission has also included a requirement to file a financial assurance plan.[13] The financial assurance article requires licensees to submit a plan that identifies the costs of project facilities that would be removed, secured in-place, or otherwise modified to ensure public safety, as well as other measures needed to protect environmental resources, in the event the licensee cannot complete project construction or is unable to operate the project once construction is complete. After approval of the financial assurance plan and before beginning ground disturbing activities, the licensee must obtain a bond or equivalent financial instrument to ensure the licensee has the economic means to implement the plan. The licensee is also required to file annual reports to document that the bond or equivalent financial instrument remains in effect for the ensuing year.

6. However, the vast majority of existing licenses do not include requirements addressing whether a licensee can afford ongoing operation and maintenance expenses, required environmental or safety measures, or measures required to ensure the facility can meet future dam safety requirements.

7. Non-operational or non-compliant projects can pose public safety hazards

[1] Use of the word ''license'' herein refers to both licenses and exemptions or licensees and exemptees, unless otherwise specified.

[2] 16 U.S.C. 797(e).

[3] *Id.*

[4] 16 U.S.C. 803(a).

[5] *Id.*

[6] 72 FERC ¶ 61,027, at 61,069 (1995). For example, the Commission will impose reasonable conditions, regardless of their impact on project economics. *See City of Tacoma, Wash.,* 84 FERC ¶ 61,107 (1998), *aff'd in pertinent part, City of Tacoma, Wash.* v. *FERC,* 460 F.3d 53 (D.C. Cir. 2006).

[7] *See Mead Corp.,* 72 FERC at 61,068 (explaining that long-term economic analyses require many assumptions and that even under relatively stable conditions, ''such forecasts could never be more than a general guide'').

[8] *See, e.g., City of Le Claire, Iowa,* 74 FERC ¶ 61,127, at 61,462 (1996). In requiring financing plans, the Commission has explained that it is concerned not only about potential environmental impacts associated with a partially constructed project, but also with ensuring that projects are developed in a timely and diligent manner. *See, e.g., Clark Canyon Hydro, LLC,* 150 FERC ¶ 61,195, at P 44 (2015); *see also City of Augusta, Ky.,* 72 FERC ¶ 61,114, at 61,594 (1995).

[9] *E.g., Halecrest Co.,* 60 FERC ¶ 61,121 (1992).

[10] *E.g., Marseilles Land and Water Co.,* 137 FERC ¶ 62,235, at art. 307 (2011), *order on reh'g and clarification,* 138 FERC ¶ 61,120 (2012).

[11] License amendments that approve construction for significant modifications to project facilities may also include financing plan requirements. *See, e.g., BMB Enters., Inc.,* 147 FERC ¶ 62,044, at art. 206 (2014).

[12] *E.g., Kenai Hydro, LLC,* 168 FERC ¶ 61,125, at P 109 and art. 207 (2019).

[13] *See, e.g., PacifiCorp,* 144 FERC ¶ 62,239, at art. 307 (2013) (requiring license transferee to file financial assurance plan to demonstrate it had funds necessary to operate and maintain project). *See also Marseilles Land and Water Co.,* 137 FERC ¶ 62,235 at P 80 n.46 (requiring financial assurance plan in addition to the financing plan for an original license, based on ''a reasonable possibility that the licensee could find itself in the position of having insufficient funds or project land rights to continue constructing or operating the . . . Project in the absence of a Financial Assurance Plan'').

in the event of a dam failure or breach, as demonstrated by the failure of the Edenville and Sanford dams near Midland, Michigan, on May 19, 2020. The cause of these dam failures is still under investigation. Nonetheless, the licensee of both projects had for many years failed to comply with dam safety directives, at least in part due to the alleged lack of financial capacity to meet Commission requirements, which resulted in the Commission revoking the license for the Edenville project in 2018.[14] The dam failures created an immediate safety hazard requiring thousands to evacuate, and estimates to repair and restore the dams have been more than $300 million dollars, which does not include the damages that property owners affected by the flooding may have suffered.

8. While significant dam failures have fortunately been very rare, the Commission has seen increasing numbers of projects that are non-operational or out of compliance with their license conditions, where licensees have stated that they cannot afford to operate or maintain the projects or implement required environmental or safety measures. Commission staff regularly works with these licensees to bring these projects back into operation or compliance, but only with mixed success.[15]

9. As of December 2020, Commission staff is aware of approximately 88 projects that are non-operational and is working with licensees of non-operating projects to restore operations. A licensee's lack of financial resources is often a key factor in a project becoming non-operational. For those licensees that cannot restore operation, some licensees apply to surrender their licenses. However, for those where operating the project or bringing the project into compliance is too financially burdensome, the surrender process may also be economically infeasible. Where licensees show the inability or unwillingness to maintain their projects and do not voluntarily seek surrender, the Commission has terminated licenses by implied surrender.[16] But implied surrender may not be appropriate where environmental or dam safety measures need to be taken to leave the project in acceptable condition. In addition to voluntary and implied surrender, the Commission has enforcement mechanisms at its disposal, including license revocation, the imposition of civil penalties, seeking injunction relief in federal court, and referral to the Department of Justice for criminal prosecution. These measures, while appropriate in some cases, may not result in necessary license compliance.

10. Based on the concern that inadequate financing may result in threats to public safety and environmental resources, the Commission is considering whether additional measures should be taken to ensure licensees have the financial resources to operate and maintain their projects for the life of the project, including under unforeseen circumstances. We recognize that imposing additional financial requirements may pose difficulties for licensees, particularly those operating small projects, but are also cognizant of our responsibilities to the public. Therefore, the Commission is soliciting public comment on potential mechanisms to ensure that licensees can afford required safety measures, ongoing project operation and maintenance expenses, and license compliance to prevent future safety and environmental hazards.

II. Subject of the Notice of Inquiry

11. The Commission seeks comments on whether, and, if so, how the Commission should revise its practices for requiring financial assurance mechanisms in the licenses and other authorizations it issues for hydroelectric projects. First, we solicit comments regarding how and when the Commission should require financial assurance from licensees. Specifically, should a financial assurance requirement be included in original licenses and/or on relicense? If on relicense, should such a requirement be included in both new licenses for major projects and subsequent licenses for minor projects? Should the Commission also require financial assurance requirements in other authorizations, such as all exemptions, amendment requests, and transfers? Should the Commission reopen licenses to impose financial assurance measures? Should the Commission require licensees to reaffirm or recertify that they have adequate financial assurance instruments every few years during their license term? If so, how often during a license term should the Commission require licensees to demonstrate that they still have adequate finances? Should the Commission require licensees to notify the Commission if the circumstances underlying their financial assurance instruments have changed?

12. Below we outline three potential options that Commission staff has identified for establishing financial assurance mechanisms in hydroelectric licenses: (1) Requiring licensees to obtain bonds to cover the costs of safety measures and project operation and maintenance; (2) establishing an industry-wide trust or remediation fund or requiring licensees to maintain an individual trust, escrow, or remediation fund; or (3) requiring licensees to obtain insurance policies for unforeseen safety hazards or dam failures. We encourage comments on these options as well as the suggestion of any other alternatives. While the Commission will consider all comments filed, the Commission may not, and is not required to, take further action.

A. Bonds

13. The Commission could require licensees to obtain bonds to ensure they have sufficient funds to pay for operation, maintenance, environmental, and safety measures throughout the duration of the license. The Commission seeks comment on this option and the following questions:

i. Should the Commission require licensees to obtain bonds as a financial assurance mechanism?

ii. If so, how should the Commission determine the amount of the bond or what factors should the Commission consider when determining the bond amount?

iii. Are bonds within the resources of all licensees, including those of small hydroelectric projects. Could the Commission mitigate these expenses?

iv. What other challenges would bond requirements pose to individual licensees, municipal licensees, the public, or the Commission?

B. Trust, Escrow, or Remediation Fund

14. The Commission could establish an industry-wide trust or remediation fund to pay for necessary repairs and remediation, similar to the Environmental Protection Agency's superfund program, or could require

[14] *See Boyce Hydro Power, LLC,* 164 FERC ¶ 61,178 (2018) (revoking the license for the Edenville Project No. 10808 due to the licensee's ''longstanding failure to increase the project's spillway capacity to safely pass flood flows, as well as its failure to comply with its license, the Commission's regulations, and a June 15, 2017 Compliance Order''), *order on reh'g,* 166 FERC ¶ 61,029 (2019).

[15] Section 6.4 of the Commission's regulations gives licensees three years to resolve their non-operating issues. 18 CFR 6.4.

[16] *See, e.g., Brentwood Dam Ventures, LLC,* 158 FERC ¶ 61,037 (2017) (terminating the exemption for the Exeter River Hydro #1 Project No. 4254 by implied surrender because the exemptee did not make the necessary repairs to restore project operation); *see also James Lichoulas Jr.,* 124 FERC ¶ 61,255 (2008) (terminating the license for the Appleton Trust Project No. 9300 by implied surrender because the licensee failed to restore project operation after more than a decade), *aff'd, Lichoulas* v. *FERC,* 600 F.3d 769 (D.C. Cir. 2010).

licensees to maintain an individual trust or remediation fund that is similar to what is done in the nuclear industry. The Commission could also require funds to be placed in escrow. The Commission seeks comment on this option and the following questions:

i. Should the Commission establish an industry-wide trust or fund as a financial assurance mechanism?

ii. If so, how should the Commission generate funds for the trust? Should the Commission consider using its annual charge authority to fund an industry-wide trust?

iii. How should the Commission determine the appropriate level of funds for an industry-wide trust?

iv. How should the Commission determine how funds are distributed?

v. Should the Commission require licensees to maintain an individual trust or escrow fund as a financial assurance mechanism?

vi. For individual trusts, how should the Commission determine the appropriate level of the trust and what factors should the Commission consider in determining amounts?

vii. For individual escrows, should the Commission require licensees to retain a certain percentage of generation receipts in an escrow account?

viii. What other challenges would an industry-wide or individual trust pose on individual licensees, small hydroelectric project licensees, municipal licensees, the public, or the Commission?

C. Insurance

15. The Commission could require licensees to obtain insurance policies to cover costs in the event of a safety hazard or dam failure. The Commission seeks comment on this option and the following questions:

i. Should the Commission require licensees to obtain insurance policies as a financial assurance mechanism for project maintenance?

ii. How should the Commission determine the amount of required coverage of an insurance policy or what factors should the Commission consider when determining the amount of coverage?

iii. What other challenges would a requirement to obtain an insurance policy pose on individual licensees, small hydroelectric project licensees, municipal licensees, the public, or the Commission?

III. Comment Procedures

16. The Commission invites interested persons to submit comments and other information on the matters, issues, and specific questions identified in this notice, and any alternative proposals that commenters may wish to discuss. Comments are due March 29, 2021. Comments must refer to Docket No. RM21–9–000, and must include the commenter's name, the organization they represent, if applicable, and their address.

17. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

18. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number RM21–9–000.

19. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IV. Document Availability

20. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

21. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

22. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: January 19, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01613 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21–21–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on January 6, 2021, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, filed in the above referenced docket a prior notice pursuant to Section 157.205 and 157.216(b) of the Federal Energy Regulatory Commission's regulations under the Natural Gas Act and the blanket certificate issued to Columbia by the Commission in Docket No. CP83–76–000,[1] seeking authorization to abandon ten injection/withdrawal wells and associated pipelines and appurtenances, located in its Benton, Crawford1, Laurel and McArthur Storage Fields in Hocking, and Vinton Counties, Ohio (2021 Southcentral Ohio Well Abandonments Project). Columbia states that there will be no change to the existing boundary, total inventory, reservoir pressure, reservoir and buffer boundaries, or the certificated capacity of the Benton, Crawford, Laurel and McArthur Storage Fields as a result of these abandonments. Further, Columbia avers that the proposed abandonments will not affect any other Columbia storage fields, operations, or service, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to

[1] *Columbia Gas Transmission Corporation* (predecessor to Columbia Gas Transmission, LLC), 22 FERC ¶ 62,029 (1983).

view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions concerning this application should be directed to Dave Hammel, Director, Commercial & Regulatory Law, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700, by telephone (832) 320–5861, or by email at *dave_hammel@tcenergy.com.*

Public Participation

There are three ways to become involved in the Commission's review of this project: You can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on March 15, 2021. How to file protests, motions to intervene, and comments is explained below.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[2] any person [3] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[4] and must be submitted by the protest deadline, which is March 15, 2021. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [5] and the regulations under the NGA [6] by the intervention deadline for the project, which is March 15, 2021. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before March 15, 2021. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP21–21–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [7]

(2) You can file a paper copy of your submission by mailing it to the address below.[8] Your submission must reference the Project docket number CP21–21–000.

Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail or email (with a link to the document) at: *dave_hammel@tcenergy.com* or 700 Louisiana Street, Suite 700, Houston, Texas 77002–2700. Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at

[2] 18 CFR 157.205.

[3] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[4] 18 CFR 157.205(e).

[5] 18 CFR 385.214.

[6] 18 CFR 157.10.

[7] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

[8] Hand-delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

www.ferc.gov using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: January 12, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01556 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM21–11–000]

Accounting and Reporting Treatment of Certain Renewable Energy Assets

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of inquiry.

SUMMARY: In this Notice of Inquiry, the Federal Energy Regulatory Commission (Commission) seeks comments on the accounting and reporting treatment of certain renewable energy generating assets and renewable energy credits. In addition, the Commission seeks comments on the ratemaking implications of these accounting and reporting changes.

DATES: Initial Comments are due March 29, 2021, and Reply Comments are due April 26, 2021.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.
- *Instructions:* For detailed instructions on submitting comments, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Daniel Birkam (Technical Information), Office of Enforcement, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–8035, *Daniel.Birkam@ferc.gov*

Sarah Greenberg (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6230, *Sarah.Greenberg@ferc.gov*

SUPPLEMENTARY INFORMATION:

1. In this Notice of Inquiry (NOI), the Federal Energy Regulatory Commission (Commission) seeks comments on the appropriate accounting treatment for certain renewable energy assets. First, the Commission seeks comments on whether to create new accounts within the Uniform System of Accounts (USofA) for non-hydro renewable energy generating assets,[1] and, if so, how such accounts should be organized. Second, the Commission seeks comments on how to modify FERC Form No. 1 to reflect any new accounts. Third, the Commission seeks comments on whether to codify the proper accounting treatment of the purchase, generation, and use of renewable energy credits (RECs). Finally, the Commission seeks comments on the rate setting implications of these potential accounting and reporting changes.

I. Background

2. The USofA contains discrete accounts for steam production, nuclear production, hydraulic production, and other production.[2] However, the USofA does not contain any accounts designed specifically for solar, wind, or other non-hydro renewable generating assets. Therefore, electric utilities currently record non-hydro renewable assets in the Other Production accounts of the USofA. Commenters have indicated that companies exercise ''reasonable judgment'' when determining in which Other Production account to book these assets.[3]

3. Recently, parties have expressed disagreement regarding which Other Production accounts should be used to book non-hydro renewable assets. In Docket No. AC20–103, the Commission received a request for confirmation that the costs of certain wind and solar generating equipment are properly booked to the Other Production Accounts 343 (Prime Movers), 344 (Generators), and 345 (Accessory Electric Equipment). In that proceeding, commenters argued that the proposal booked an inappropriate amount of costs to Account 345, which are included in reactive power rates pursuant to the *AEP* Methodology.[4] Commenters, including the Edison Electric Institute, suggested that the Commission consider creating new accounts for wind, solar, and other non-hydro renewables to resolve this issue.[5] Concurrently with the issuance of this Notice of Inquiry, the Commission is issuing an order in Docket No. AC20–103, denying the request and explaining that this Notice of Inquiry will begin a proceeding in which the Commission will evaluate the need for further guidance regarding the proper accounting treatment of non-hydro renewable generating assets.

4. In addition, the existing USofA accounts do not explicitly address the accounting treatment of the purchase, generation, or use of RECs. However, the Commission has stated that RECs are analogous to the sulfur dioxide emission allowances created by Title IV of the Clean Air Act Amendments of 1990, which the Commission addressed in Order No. 552.[6] Order No. 552 classified emission allowances as inventoriable items and established new inventory and expense accounts to record the allowances.[7] In keeping with Order No. 552, the Commission has found that

[1] Non-hydro renewable assets, as referred to in this notice, are production assets other than hydroelectric generators such as solar, wind energy, geothermal, biomass, etc., that rely on the heat or motion of the earth or sun's radiation to produce energy. Specifically, these are denoted as renewable because the power production is based on a fuel source that is not consumed or destroyed by the generation process, such as buried hydrocarbons (coal, oil, natural gas), or the decay of rare irradiated heavy metals (nuclear). Biomass (trees, nut shells, grain husks and stalks, etc.) is considered renewable, despite its hydrocarbon source being consumed, due to its carbon release being offset by regrowth of carbon capturing equivalent biomass.

[2] 18 CFR part 101; *Accounting and Financial Reporting for Public Utilities Including RTOs,* Order No. 668, 113 FERC ¶ 61,276 at 59 (2005).

[3] Comments of the Edison Electric Institute, Docket No. AC20–103–000, at 3 (filed May 28, 2020).

[4] Comments of Ameren Services Company, Docket No. AC20–103–000, at 8–9 (filed May 28, 2020).

[5] *Id.* at 6–7; Comments of Edison Electric Institute at 4.

[6] *Ameren Illinois Co.,* 170 FERC ¶ 61,267, at P 52 (2020) (citing *Revisions to Uniform Systems of Accounts to Account for Allowances under the Clean Air Act Amendments of 1990 and Regulatory-Created Assets and Liabilities and to Form Nos. 1, 1–F, 2 and 2–A,* Order No. 552, FERC Stats. and Regs. ¶ 30,967 (1993) (cross-referenced at 62 FERC ¶ 61,299)).

[7] *Revisions to Uniform Systems of Accounts to Account for Allowances under the Clean Air Act Amendments of 1990 and Regulatory-Created Assets and Liabilities and to Form Nos. 1, 1–F, 2 and 2–A,* Order No. 552, FERC Stats. and Regs. ¶ 30,967 (cross-referenced at 62 FERC ¶ 61,299).

RECs that are purchased or generated should be recorded in Account 158.1 (Allowance Inventory) and expensed to Account 509 (Allowances) as they are utilized.[8] In addition to examining the issues identified above, we believe further consideration of whether to clarify and codify this accounting practice by modifying the account instructions of these inventory and expense accounts to explicitly include RECs is warranted at this time.

II. Discussion

A. Creation of New USofA Accounts

5. Currently, electric utilities record non-hydro renewable assets, and associated operations and maintenance (O&M) expenses, in the ''Other Production'' function within the USofA.[9] Within the USofA, the existing plant and associated O&M account definitions do not provide instructions or examples of items that are used in non-hydro renewable energy production, specifically for wind and solar powered production.[10] This may be viewed as either a problem of insufficient account instructions, insufficient existing accounts, or insufficient existing functional categories.

6. For instance, there is no account that clearly captures solar panels. Solar panels are not fuel holders (Account 342), prime movers (Account 343) or generators (Account 344).[11] Account 342 includes:

[T]he cost installed of fuel handling and storage equipment used between the point of fuel delivery to the station and the intake pipe through which fuel is directly drawn to the engine, also the cost of gas producers and accessories devoted to the production of gas for use in prime movers driving main electric generators.[12]

Solar panels do not store sunlight, and they have no moving parts; instead, solar energy is captured passively as radiation and is then converted electrochemically into electricity. Therefore, solar panels are not fuel holders. Similarly, Account 343 ''include[s] the cost installed of Diesel or other prime movers devoted to the generation of electric energy, together with their auxiliaries,'' while Account 344 ''include[s] the cost installed of Diesel or other power driven main generators.'' [13] Both of these accounts describe equipment that operates like a diesel-powered turbine. Solar panels, which capture and convert a radiated energy source, are not prime movers or power-driven main generators.

7. Photovoltaic (PV) inverters also do not fit within any of the definitions of the Other Production accounts. Inverters convert the direct current output of a PV solar panel into alternating current. None of the existing Other Production accounts accommodate such a component in their current form.

8. Similarly, there is no account that includes wind generation towers. Such towers do not meet the definition of structures and improvements (Account 341), miscellaneous power plant equipment (Account 346) or accessory electric equipment (Account 345).[14] Specifically, the height of wind generation towers is central to the capture of wind energy; therefore, it is not simply a sheltering structure or a miscellaneous or accessory system. While wind generation towers do provide structural support for the turbine and blades, this is only a part of the towers' function, not its primary role. The Commission has previously created separate categories for plant assets that did not fit into existing accounts due to unique features or functionality; such an approach may be appropriate here as well.[15]

9. Additionally, there are no accounts for computer hardware and software required to operate wind and solar generation remotely. Also, Account 553, major maintenance of generating and electric plant, which only includes costs associated with Accounts 343, 344, and 345, does not accommodate costs to record maintenance of solar panels, wind turbine blades, or wind generation towers.[16] Similarly, some of the O&M accounts do not apply to the related non-hydro renewable energy assets. For example, Account 547 (Fuel) is not applicable to wind and solar generation.[17]

10. Because the Commission's USofA does not include accounts that clearly accommodate non-hydro renewable generating plants and associated O&M expenses, we seek input from interested entities on whether to create new accounts to accommodate these resources. If the Commission determines that non-hydro renewables should be recorded as separate generating functions, then plant and O&M accounts for each new generation function will need to be developed where appropriate. This is necessary both for the correct categorization and correct cost causation attributes of the accounts.

11. Within each item below, interested entities should specify whether the response applies to wind, solar, other, or some combination of these technologies.

(Q1) Interested entities should comment on whether the Commission should establish separate plant and O&M expense accounts for each major type of non-hydro renewable plant, including separate accounts for solar, wind, and other non-hydro renewable technologies.

(Q2) Interested entities should provide examples of proposed new accounts related to non-hydro renewable plant and related O&M expenses for the Commission to consider. Interested entities should also include proposed examples of the corresponding account instructions.

(Q3) Creating new accounts related to non-hydro renewable plant would require reclassification of assets from existing accounts to newly created plant asset accounts. This would also require

[8] *Ameren Illinois Co.,* 170 FERC ¶ 61,267 at P 52.

[9] 18 CFR part 101 Other Production includes the following Plant in Service Accounts: 340 (Land and Land Rights), 341 (Structures and Improvements), 342 (Fuel Holders, Producers, and Accessories), 343 (Prime Movers), 344 (Generators), 345 (Accessory Electric Equipment), 346 (Miscellaneous Power Plant Equipment), 347 (Asset Retirement Costs for Other Production Plant), and 348 (Energy Storage Equipment—Production). Also included are the following O&M Accounts: 546 (Operation Supervision and Engineering), 547 (Fuel), 548 Generation expenses (Major only), 548.1 (Operation of Energy Storage Equipment), 549 (Miscellaneous Other Power Generation Expenses) (Major only)), 550 (Rents), 550.1 (Operation Supplies and Expenses (Nonmajor only)), 551 (Maintenance Supervision and Engineering) (Major only)), 552 (Maintenance of Structures (Major only)), 553 (Maintenance of Generating and Electric Plant (Major only)), 553.1 (Maintenance of Energy Storage Equipment), 554 (Maintenance of Miscellaneous Other Power Generation Plant (Major only)), and 554.1 (Maintenance of Other Power Production Plant (Nonmajor only)).

[10] In contrast, geothermal and biomass generation generally operate based on either floor mounted steam turbines or floor mounted fuel cycle turbines much like buried hydrocarbon generation, and thus, these plant in service assets can be fitted more readily into the existing descriptions of production accounts.

[11] 18 CFR part 101, Instructions for Accounts 342, 343, and 344.

[12] *Id.,* Instructions for Account 342.

[13] *Id.,* Instructions for Accounts 343 and 344. These are not defined in the USofA, but from common usage a ''prime mover'' would be the source of the initial force that moves the turbine or similar device (the diesel here). The ''power driven main generator'' would be the turbine, from the tines or blades to the dynamo, including the pressure casing and the shaft.

[14] *Id.,* Instructions for Accounts 341, 345, and 346.

[15] The Hydraulic Production category contains accounts created for hydro-related items that do not fit in as sheltering structures, such as a hydro dam that is central to the capture of the flow of water includable in Account 332 (Reservoirs, Dams, and Waterways). The instructions to Account 332 state: ''This account shall include the cost in place of facilities used for impounding, collecting, storage, diversion, regulation, and delivery of water used primarily for generating electricity. For Major utilities, it shall also include the cost in place of facilities used in connection with (a) the conservation of fish and wildlife, and (b) recreation.''

[16] 18 CFR part 101, Instructions for Account 553.

[17] *Id.,* Instructions for Account 547.

reclassification of related accumulated reserves for depreciation. In addition, there would be other impacts related to associated accumulated deferred income tax (ADIT) balances. Finally, related O&M expenses would need to be reclassified to the newly created expense accounts. Interested entities should address the potential burden that these reclassification requirements would create.

B. Modifications to FERC Form No. 1

12. Adding new non-hydro renewable plant and related O&M expenses to the USofA would require changes to the FERC Form No. 1 to report these accounts in an organized and transparent manner. Thus, we seek input from interested entities on how the Commission could modify FERC Form No. 1 to accommodate any such changes.

(Q4) We invite interested entities to submit comments regarding proposals for reporting the new accounts for non-hydro renewable plant and related O&M expenses in FERC Form No. 1 and whether new reporting schedules and footnote disclosures would be required. Interested entities should provide examples of any new reporting schedules and footnote disclosures.

(Q5) We encourage interested entities to address the type of non-accounting information related to non-hydro renewable plant and related O&M expenses that could be included in the modified FERC Form No. 1 to support rate development and to provide useful information to parties who utilize the financial reports.

C. Addressing Renewable Energy Credits

13. The USofA does not provide instructions for recording the purchase, generation or use of RECs. However, for accounting purposes, RECs are analogous to sulfur dioxide emission allowances, for which the Commission has developed accounting guidance. In Order No. 552, the Commission concluded that the sulfur dioxide emission allowances are appropriately classified as inventoriable items.[18] To that end, the Commission established new inventory and expense accounts to record these emission allowances. Account 158.1 (Allowance Inventory) includes the cost of allowances owned by the utility. The instructions to Account 158.1 provide for allowances to be expensed to Account 509 (Allowances) as allowances are used.[19]

14. More recently, the Commission found it appropriate to apply the Order No. 552 accounting construct to the costs of RECs.[20] Specifically, the Commission has found that RECs should be recorded in Account 158.1 when they are purchased or generated, and then expensed to Account 509 as they are used.[21]

15. We are considering updating the instructions for allowances recorded in Accounts 158.1 and 158.2 (Allowance Withheld), and associated revenues and expenses recorded in Accounts 456 (Other Electric Revenues) and 509 to explicitly include activities related to RECs.[22] Thus, we seek input from interested entities regarding updates to existing inventory accounts to accommodate RECs.

(Q6) We are considering modifying Accounts 158.1, 158.2, and 509 to include the cost of RECs and modifying Account 456 to include revenues from the sale of RECs.[23] We invite interested entities to comment on these potential modifications.

D. Assessing Rate Implications

16. It is possible that the proposed additions and modifications to the USofA and the corresponding changes to the FERC Form No. 1 could have a significant and measurable impact on rates for existing utilities. In addition to changes to the accounting and reporting systems, entities may have corresponding changes to their existing cost-of-service schedules for ratemaking purposes. For instance, entities that reclassify assets into the new non-hydro renewable accounts may need to include or exclude certain account balances from their rates to remain consistent with Commission approved rate schedules. For this reason, we seek input from interested entities.

(Q7) We would like to receive input from interested entities as to how electric utilities with formula rates would be impacted if the Commission creates new plant and O&M expense accounts related to non-hydro renewables. We invite interested persons to submit comments regarding how affected utilities would address any such changes.

[18] *See Revisions to Uniform Systems of Accounts to Account for Allowances under the Clean Air Act Amendments of 1990 and Regulatory-Created Assets and Liabilities and to Form Nos. 1, 1–F, 2 and 2–A,* Order No. 552, FERC Stats. and Regs. ¶ 30,967 (cross-referenced at 62 FERC ¶ 61,299).

[19] *See* 18 CFR part 101, General Instruction 21.

[20] *Ameren Illinois Co.,* 170 FERC ¶ 61,267 at P 52.

[21] *Id.*

[22] Account 158.2 represents allowances withheld by the EPA to be later reclassified in Account 158.1 as they are released. Account 456 represents the account in which gross sales of RECs are to be recorded.

[23] 18 CFR part 101, Instructions for Accounts 158.1, 158.2, 456, and 509.

III. Comment Procedures

17. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due March 29, 2021, and Reply Comments are due April 26, 2021. Comments must refer to Docket No. RM21–11–000, and must include the commenter's name, the organization they represent, if applicable, and their address.

18. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word-processing formats. Documents created electronically using word-processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

19. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

20. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IV. Document Availability

21. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

22. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

23. User assistance is available for eLibrary and the Commission's website during normal business hours from the

Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference.

24. Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Issued: January 19, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–01657 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL21–40–000 and TX21–1–000]

Athens Utilities Board, Gibson Electric Membership Corporation, Joe Wheeler Electric Membership Corporation, Volunteer Energy Cooperative v. Tennessee Valley Authority; Notice of Complaint

Take notice that, on January 11, 2021, Athens Utilities Board, Gibson Electric Membership Corporation, Joe Wheeler Electric Membership Corporation, and Volunteer Energy Cooperative (Complainants) filed a formal complaint against Tennessee Valley Authority (TVA or Respondent), pursuant to sections 211A, 306, 307, 308, and 309 of the Federal Power Act (FPA), and 18 CFR 386.206, requesting that the Federal Energy Regulatory Commission (Commission) exercise its authority under FPA section 211A to order TVA to provide unbundled transmission service at rates and on terms and conditions that are comparable to those under which TVA provides transmission services to itself and that are not unduly discriminatory or preferential. Complainants further request that the Commission exercise its authority under FPA section 210 to formalize the interconnection arrangements between Complainants and TVA in order to facilitate the provision of transmission service ordered under FPA section 211A, all as more fully explained in the complaint.

The Complainants certify that copies of the complaint were served on the contacts listed for Respondent in the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://ferc.gov*) using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at *FERCOnlineSupport@ferc.gov,* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on February 1, 2021.

Dated: January 19, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01611 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15055–000]

Northern States Power Company—Wisconsin; Notice of Intent To File License Application, Filing of Pre-Application Document (PAD), Commencement of Pre-Filing Process and Scoping; Request for Comments on the PAD and Scoping Document, and Identification of Issues and Associated Study Requests

a. *Type of Filing:* Notice of Intent to File License Application and Commencing Pre-Filing Process.

b. *Project No.:* 15055–000.

c. *Date Filed:* November 17, 2020.

d. *Submitted By:* Northern States Power Company—Wisconsin (Northern States).

e. *Name of Project:* Gile Flowage Storage Reservoir Project (Gile Project).

f. *Location:* The project is located on the West Fork Montreal River in Iron County, Wisconsin.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* James M. Zyduck, Director of Hydro Plants, Northern States Power Company, 1414 West Hamilton Ave., P.O. Box 8, Eau Claire, WI 54702–0008; email at *James.Zyduck@XcelEnergy.com.*

i. *FERC Contact:* Lee Emery at (202) 502–8379; or email at *lee.emery@ferc.gov.*

j. Northern States filed its request to use the TLP on November 17, 2020. Northern States provided public notice of its request on November 13, 2020. In a letter dated January 19, 2021, the Director of the Division of Hydropower Licensing denied Northern States' request to use the TLP and instead requires the use of the ILP to prepare the license application for the Gile Project.

k. *Cooperating Agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item m below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. See 94 FERC 61,076 (2001).

l. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act and the joint agency regulations thereunder at

50 CFR part 402. We are also initiating consultation with the Wisconsin State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

m. With this notice, we are designating Northern States as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

n. Northern States filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 of the Commission's regulations.

o. A copy of the PAD may be viewed on the Commission's website (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19), issued by the President on March 13, 2020. For assistance, contact FERC at *FERCONlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TYY, (202) 502–8659.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

q. With this notice, we are soliciting comments on the PAD and Commission's staff Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status, and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by March 17, 2021.

r. *Scoping Process:* The Commission's scoping process will help determine the required level of analysis and satisfy the NEPA scoping requirements, irrespective of whether the Commission prepares an environmental assessment or Environmental Impact Statement.

Due to restrictions on mass gatherings related to COVID–19, we are waiving section 5.8(b)(viii) of the Commission's regulations and do not intend to conduct a public scoping meeting and site visit in this case. Instead, we are soliciting written comments, recommendations, and information, on SD1. Any individual or entity interested in submitting scoping comments must do so by the date specified in item q. SD1, which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's official mailing list. Copies of SD1 may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph o. Based on all written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process. Further revisions to the schedule may be made as appropriate.

Dated: January 19, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01612 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP20–55–000]

Port Arthur LNG Phase II, LLC; PALNG Common Facilities Company, LLC; Notice of Availability of the Environmental Assessment for the Proposed Port Arthur LNG Expansion Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the Port Arthur LNG Expansion Project, proposed by Port Arthur LNG Phase II, LLC and PALNG Common Facilities Company, LLC (collectively referred to as Applicant) in the above-referenced docket. The Applicant requests authorization to expand the previously certificated Port Arthur Liquefaction Terminal in Jefferson County, Texas by siting, constructing, and operating additional liquefied natural gas (LNG) facilities to increase the terminal's capability to liquefy natural gas for export by 13.46 million tonnes per annum (MTPA). The Port Arthur LNG Expansion Project would increase the terminal's total liquefaction capacity from 13.46 MTPA to 26.92 MTPA.

The EA assesses the potential environmental effects of the construction and operation of the Port Arthur LNG Expansion Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The U.S. Department of Energy, U.S. Department of Transportation, and U.S. Coast Guard participated as cooperating agencies in the preparation of the EA. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participate in the NEPA analysis.

The proposed Port Arthur LNG Expansion Project includes the following facilities:

- Two liquefaction trains (Trains 3 and 4) each with a maximum LNG production capacity of 6.73 MTPA

(13.46 MTPA total). Each liquefaction train would be composed of a feed gas treatment unit consisting of a mercury removal unit; hydrogen sulfide scavenger bed to remove hydrogen sulfide; amine unit to remove carbon dioxide; a dehydration unit to remove water; a heavy hydrocarbon removal unit to remove isopentane and heavier hydrocarbons; and a liquefaction unit consisting of a main cryogenic heat exchanger, refrigeration system, and end flash drum;

- one new low-pressure ground flare;
- new flare knockout drums;
- one new boil-off gas (BOG) compressor unit to compress BOG and deliver as fuel to gas turbine;
- two new utility and instrument air compressor packages to deliver air to two new air drier packages;
- one new 3.675 megawatt capacity diesel powered standby generator; and
- shifting location of some equipment from Base Project, including LNG storage tanks, and modifications and additions to approved utilities, fire and gas detection systems, control system, firewater system, spill containment, tertiary berm, and infrastructure needed to accommodate the two additional liquefaction trains.

The Commission mailed a copy of the *Notice of Availability* to federal, state, and local government representatives and agencies; elected officials; Native American tribes; potentially affected landowners and other interested individuals and groups. The EA is only available in electronic format. It may be viewed and downloaded from the FERC's website (*www.ferc.gov*), on the natural gas environmental documents page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). In addition, the EA may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (*https://elibrary.ferc.gov/eLibrary/search*), select ''General Search'' and enter the docket number in the ''Docket Number'' field (*i.e.* CP20–55). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

The EA is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding. Any person wishing to comment on the EA may do so. Your comments should focus on the EA's disclosure and discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before 5:00 p.m. Eastern Time on February 15, 2021.

For your convenience, there are three methods you can use to file your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov*. Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the eComment feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the eFiling feature on the Commission's website (*www.ferc.gov*) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP20–55–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. At this point in this proceeding, the timeframe for filing timely intervention requests has expired. Any person seeking to become a party to the proceeding must file a motion to intervene out-of-time pursuant to Rule 214(b)(3) and (d) of the Commission's Rules of Practice and Procedures (18 CFR 385.214(b)(3) and (d)) and show good cause why the time limitation should be waived. Motions to intervene are more fully described at *https://www.ferc.gov/ferc-online/ferc-online/how-guides*.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

Dated: January 15, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01553 Filed 1–25–21; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Notice

TIME AND DATE: Thursday, January 28, 2021 at 10:00 a.m.

PLACE: Virtual hearing. *Note:* Because of the COVID–19 pandemic, we will conduct the hearing virtually. If you would like to access the hearing, see the instructions below.

STATUS: This hearing will be open to the public. To access the virtual hearing, go to the commission's website *www.fec.gov* and click on the banner to be taken to the hearing page.

MATTER TO BE CONSIDERED: *Audit Hearing:* Grassroots Victory Political Action Committee.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Authority: Government in the Sunshine Act, 5 U.S.C. 552b.

Laura E. Sinram,

Acting Secretary and Clerk of the Commission.

[FR Doc. 2021–01695 Filed 1–22–21; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551–0001, not later than February 25, 2021.

A. Federal Reserve Bank of San Francisco (Sebastian Astrada, Director, Applications) 101 Market Street, San Francisco, California 94105–1579: 1. *St. Laurent Investments LLC, Vancouver, Washington;* to become a bank holding company by acquiring People's Bank of Commerce, Medford, Oregon.

Board of Governors of the Federal Reserve System, January 21, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021–01690 Filed 1–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–0728]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled *National Notifiable Diseases Surveillance System (NNDSS)* to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on October 23, 2020 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Notifiable Diseases Surveillance System (NNDSS) (0920–0728, Exp. 4/30/23)—Revision—Center for Surveillance, Epidemiology and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Public Health Services Act (42 U.S.C. 241) authorizes CDC to disseminate nationally notifiable condition information. The National Notifiable Diseases Surveillance System (NNDSS) is based on data collected at the state, territorial and local levels as a result of legislation and regulations in those jurisdictions that require health care providers, medical laboratories, and other entities to submit health-related data on reportable conditions to public health departments. These reportable conditions, which include infectious and non-infectious diseases, vary by jurisdiction depending upon each jurisdiction's health priorities and needs. Each year, the Council of State and Territorial Epidemiologists (CSTE), supported by CDC, determines which reportable conditions should be designated nationally notifiable or under standardized surveillance.

CDC requests a three-year approval for a Revision for the NNDSS, (OMB Control No. 0920–0728, Expiration Date 04/30/2023). This Revision includes requests for approval to: (1) Receive case notification data for Multisystem Inflammatory Syndrome (MIS) associated with Coronavirus Disease 2019 (COVID–19); (2) receive new disease-specific data elements for Anthrax, Brucellosis, Campylobacteriosis, Cholera, Cryptosporidiosis, Hansen's Disease, Leptospirosis, Melioidosis, MIS associated with COVID–19, COVID–19, S. Paratyphi Infection, S. Typhi Infection, Salmonellosis, STEC, Shigellosis, and Vibriosis; and (3) Receive new vaccine-related data elements for all conditions.

The NNDSS currently facilitates the submission and aggregation of case notification data voluntarily submitted to CDC from 60 jurisdictions: Public health departments in every U.S. state, New York City, Washington DC, five

U.S. territories (American Samoa, the Commonwealth of Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands), and three freely associated states (Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau). This information is shared across jurisdictional boundaries and both surveillance and prevention and control activities are coordinated at regional and national levels.

Approximately 90% of case notifications are encrypted and submitted to NNDSS electronically from already existing databases by automated electronic messages. When automated transmission is not possible, case notifications are faxed, emailed, uploaded to a secure network or entered into a secure website. All case notifications that are faxed or emailed are done so in the form of an aggregate weekly or annual report, not individual cases. These different mechanisms used to send case notifications to CDC vary by the jurisdiction and the disease or condition. Jurisdictions remove most personally identifiable information (PII) before data are submitted to CDC, but some data elements (*e.g.,* date of birth, date of diagnosis, county of residence) could potentially be combined with other information to identify individuals. Private information is not disclosed unless otherwise compelled by law. All data are treated in a secure manner consistent with the technical, administrative, and operational controls required by the Federal Information Security Management Act of 2002 (FISMA) and the 2010 National Institute of Standards and Technology (NIST) Recommended Security Controls for Federal Information Systems and Organizations. Weekly tables of nationally notifiable diseases are available through CDC WONDER and *data.cdc.gov.* Annual summaries of finalized nationally notifiable disease data are published on CDC WONDER and *data.cdc.gov* and disease-specific data are published by individual CDC programs.

The burden estimates include the number of hours that the public health department uses to process and send case notification data from their jurisdiction to CDC. Specifically, the burden estimates include separate burden hours incurred for automated and non-automated transmissions, separate weekly burden hours incurred for modernizing surveillance systems as part of NNDSS Modernization Initiative (NMI) implementation, separate burden hours incurred for annual data reconciliation and submission, and separate one-time burden hours incurred for the addition of new diseases and data elements. The burden estimates for the one-time burden for reporting jurisdictions are for the addition of case notification data for MIS associated with COVID–19; disease-specific data elements for Anthrax, Brucellosis, Campylobacteriosis, Cholera, Cryptosporidiosis, Hansen's Disease, Leptospirosis, Melioidosis, MIS associated with COVID–19, COVID–19, S. Paratyphi Infection, S. Typhi Infection, Salmonellosis, STEC, Shigellosis, and Vibriosis; and vaccine data elements for all diseases. The estimated annual burden for the 257 respondents is 18,954 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
States	Weekly (Automated)	50	52	20/60
States	Weekly (Non-automated)	10	52	2
States	Weekly (NMI Implementation)	50	52	4
States	Annual	50	1	75
States	One-time Addition of Diseases and Data Elements.	50	1	12
Territories	Weekly (Automated)	5	52	20/60
Territories	Weekly, Quarterly (Non-automated)	5	56	20/60
Territories	Weekly (NMI Implementation)	5	52	4
Territories	Annual	5	1	5
Territories	One-time Addition of Diseases and Data Elements.	5	1	12
Freely Associated States	Weekly (Automated)	3	52	20/60
Freely Associated States	Weekly, Quarterly (Non-automated)	3	56	20/60
Freely Associated States	Annual	3	1	5
Freely Associated States	One-time Addition of Diseases and Data Elements.	3	1	12
Cities	Weekly (Automated)	2	52	20/60
Cities	Weekly (Non-automated)	2	52	2
Cities	Weekly (NMI Implementation)	2	52	4
Cities	Annual	2	1	75
Cities	One-time Addition of Diseases and Data Elements.	2	1	12

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–01619 Filed 1–25–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–21–1218]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Medication-Assisted Treatment (MAT) for Opioid Use Disorder Study'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on August 28, 2020, to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Medication-Assisted Treatment (MAT) for Opioid Use Disorder Study (OMB Control No. 0920–1218, Exp. 02/28/2021)—Revision—National Center for Injury Prevention and Control (NCIPC), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

CDC seeks a one-year OMB approval to continue collecting data for Medication-Assisted Treatment (MAT) for Opioid use disorder. About 2.4 million people aged 18 or older have opioid use disorders (OUDs) in the United States. At any given time, only half of these people receive some form of treatment, which may include medication-assisted treatment (MAT) or abstinence-based psychotherapy or self-help treatments (*i.e.,* counseling without medication [COUN]). The rise in opioid overdose deaths, up from 2014–2015 due partly to a 72% rise in synthetic opioid overdose deaths alone, shows that engaging and retaining clients in OUD treatment is an urgent public health need. Only a few studies are available to help clients and providers make informed decisions about the risks and benefits associated with the different types of MATs. This information is crucial because even though each MAT drug helps prevent withdrawal symptoms and decreases cravings, differences in treatment approach and settings influence how people respond to the medication and, thus, their long-term treatment success.

The purpose of this study is to conduct an epidemiologic, mixed-methods evaluation of OUD treatment in real-world outpatient settings. Client recruitment for this study was originally scheduled to take place between 5/1/2018 and 8/31/2019, however patient recruitment levels were lower than originally anticipated. The recruitment period was extended to 11/30/2019 to recruit additional patients. Because the follow-up period for this study is 18 months, patients recruited during the extended recruitment period (8/31/2019 to 11/30/2019) will need to complete their final 18-month Patient Questionnaire between 2/28/2021 and 5/31/2021, which is after the current OMB expiration date. The extended time period is only needed for one of the data collections instruments, thus there is a reduction in burden of 2,793 hours.

The study uses a mixed-method approach using quantitative methods such as multilevel latent growth models, propensity score matching, latent class analysis and advance mediation analysis and qualitative methods such as interactive coding and analysis for common themes. There are no costs to respondents other than their time. The total estimated burden will be 300 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Patients	Client Questionnaire 18-month follow-up	400	1	45/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–01693 Filed 1–25–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21CG; Docket No. CDC–2021–0004]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled A Longitudinal Examination of Mental and Physical Health among Police Associated with COVID–19. The aim of this project is to evaluate the longitudinal consequences of the COVID–19 pandemic on the mental and physical health of police officers.

DATES: CDC must receive written comments on or before March 29, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0004 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.
5. Assess information collection costs.

Proposed Project

A Longitudinal Examination of Mental and Physical Health among Police Associated with COVID–19—New—National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Police officers are exposed to several stressors during their working lives, including traumatic events (*e.g.,* motor-vehicle accidents, domestic incidents), organizational stressors (*e.g.,* long work hours, shiftwork), public criticism, and concern about physical harm. On top of these day-to-day stressors, the coronavirus disease 2019 (COVID–19) has contributed to an increase in mental and physical risk. Although exact figures are not known, in April 2020, it was estimated that approximately 17% of the New York police department were out sick and five officers had died. Over 1000 police officers had tested positive for COVID–19. Since then, rates of COVID–19 have not only increased in the general population, but also in police populations. These preliminary studies indicate that police departments are under a great deal of stress and at greater risk because of COVID–19. Given that efficiently performing officers are key to successful functioning of law enforcement, addressing police mental and physical health is imperative for their well-being, as well as that of the public they serve. Nonetheless, little research has been conducted to evaluate the physical and mental health consequences of the COVID–19 pandemic on police officers. Thus, NIOSH seeks OMB approval to evaluate the longitudinal mental and physical health effect of the COVID–19 pandemic on police officers.

Previously, in collaboration with NIOSH, the University of New York at Buffalo (UB) conducted a cross-sectional research project to evaluate the mental, physical, and subclinical measures of health in Buffalo, NY police officers as part of the Buffalo Cardio-Metabolic Occupational Police Stress (BCOPS) study. The BCOPs study itself includes a baseline examination and four follow-up examinations. For this reason, NIOSH has mental and physical health data on police officers collected *prior to* COVID–19, including stress related surveys, blood parameters, physical measures, stress biomarkers (cortisol) and telomere length data.

To meet the aims of the current study NIOSH has contracted with UB to recruit 200 police officers who previously participated in a BCOPS study. Priority will be placed on recruiting officers who participated in the last BCOPS study (n=240). If 200 of the 240 officers cannot be recruited, then UB will try to recruit any officer who has previously participated in a BCOPS study. A subset of the surveys and biological data collected as part of the BCOPS studies will be repeated for this study. By comparing the responses of the surveys and physical data collected as part of BCOPS, prior to COVID–19, to those obtained during this study, NIOSH can evaluate the longitudinal physical and psychological

health effects of COVID–19 on the police officers.

To meet the aims of this study there will be two rounds of data collection. The first round will consist of collecting both the mental and physical health data. The second round, approximately 6–8 months later, will consist of collecting the mental health and medical history surveys only.

During the first round, letters will be sent to officers who participated in the previous BCOPS study asking them to voluntarily participate in this study. Once they agree, a letter of introduction will be sent. If an officer hasn't responded after two letters have been sent, UB will contact the officers by phone. If the officer declines to participate they will no longer be contacted. For officers who agree to participate, UB will coordinate the scheduling of officers with the police department and will not schedule officers more than one month in advance. Scheduling will be flexible.

At their designated appointment, all participants will complete the paper and pencil questionnaires then complete the clinical exam, which will entail a fasting blood draw (approximately four tablespoons), measuring the participants' height, weight, abdominal height, waist circumference and neck circumference, and taking their blood pressure. Cortisol saliva testing will be done outside of the clinic at the participant's residence by the participant. Participants will be provided with Salivettes (Sarstedt, USA), a commercially available collection device consisting of dental rolls and centrifuge tubes, to take with them when the leave the clinic for the collection of saliva samples. Participants will be given instructions on how to collect the samples to be taken the day after they leave the clinic—four samples in the morning when they awaken, one at lunchtime, one at dinner, and one when the go to sleep. The participant will be asked to return the saliva samples to the clinic when completed either in person or via paid postage. This ends the clinic visit. UB will advise the participant upon departing during round one that they would like to contact them again in about 6–8 months to complete the same surveys they did in the clinic.

For the second round, UB will conduct a follow-up survey approximately 6–8 months after the clinic visit. Each officer who participated in the first round and who agreed to participate in the second round, will be sent the same set of psychological surveys, the medical history questionnaire, and a follow-up COVID questionnaire. The psychological surveys will be the same surveys they did during the first round, while the COVID questionnaire asks additional questions related to their experience with COVID since the clinic visit. They will not be asked to complete the personal history questionnaire the second time. This second set of questionnaires allows NIOSH to meet the study aims.

The burden table lists the estimated population size of 200 police officers who will respond to 16 psychosocial questionnaires, serological (blood) collection, and salivary cortisol at the first round. All officers who participate in the first round and who have agreed, will be mailed the medical history questionnaire and psychosocial questionnaires 6–8 months later (second round). Biological samples will not be collected during the second round. We anticipate that up to 10% of the participants may not present for testing during either the first round or second round of questionnaires. Therefore, we estimate that 180 officers will complete both rounds of the data collection. The total burden hours for all surveys, serological sample collection, and salivary cortisol is 547. There are no costs to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Police officers	Personal history	180	1	2/60	6
	Medical history	180	2	8/60	48
	Spielberger Stress Survey	180	2	7/60	42
	Center for Epidemiologic Studies Depression Scale	180	2	2/60	12
	Brief Cope	180	2	3/60	18
	Organizational Support Scale	180	2	2/60	12
	Maslach Burnout	180	2	2/60	12
	Fatigue Scale	180	2	2/60	12
	Posttraumatic Stress Disorder –5	180	2	2/60	12
	Connor-Davidson Resiliency Scale	180	2	1/60	6
	Beck Anxiety	180	2	3/60	18
	Pittsburgh Sleep Quality Index		2	2/60	12
	Beck Depression	180	2	3/60	18
	Beck Hopelessness	180	2	2/60	14
	COVID–19 (round 1)	180	1	3/60	9
	COVID–19 (round 2)	180	1	3/60	9
	Civil Unrest/Public Perception/work environment	180	2	3/60	17
	Serological Sample collection	180	1	1	180
	Salivary Cortisol collection	180	1	30/60	90
Total					547

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–01621 Filed 1–25–21; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day-21–21CH; Docket No. CDC–2021–0005]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Serological Assay Development: *Brucella* spp. Rough Strains. This proposed collection will involve specimen collection and relevant clinical information from individuals exposed to rough strains of *Brucella* spp., or cases of brucellosis due to infection with rough strains of *Brucella* spp.

DATES: CDC must receive written comments on or before March 29, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0005 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Serological Assay Development: *Brucella spp.* Rough Strains—New—National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Brucellosis is a zoonotic disease caused by *Brucella* spp., which are Gram-negative, intracellular bacterial pathogens. Annually, 500,000 human cases of brucellosis occur worldwide. Though isolation of the organism can help identify the causative species of infection, this method is not always possible due to laboratory biosafety capacity requirements and specimen availability. In some of these instances, serological methods are helpful for diagnosis. Serial serological methods are also useful for monitoring individuals who have had known exposures to smooth *Brucella* spp. for seroconversion, which can help detect potential infection and reduce time to diagnosis and treatment.

The proposed data collection will help to understand the frequency of exposures to rough strain *Brucella* spp. in the United States, identify specific antigens associated with rough strain Brucella infections, develop high-sensitivity and high-specificity serological diagnostic assays based on recognition of these antigens, and to better understand the human humoral immune response to rough Brucella strains. Data collected will be used to create a bank of specimens to help develop additional tools for safer and more timely diagnosis of brucellosis caused by rough strains of *Brucella* spp.

CDC will collect specimens and medical/surveillance record abstractions from individuals exposed to rough strains of *Brucella* spp., and individuals with confirmed diagnosis of brucellosis as a result of infection from rough strains of *Brucella* spp.

CDC requests approval for three years. The estimated annualized burden hours are 55. There is no cost to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Patient (specimen collection)	N/A	10	1	5	50

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Health department	Clinical/exposure information	10	1	0.5	5
Total					55

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–01622 Filed 1–25–21; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–21–21BZ; Docket No. CDC–2021–0006]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a request for emergency clearance of the information collection titled Requirement for Proof of Negative Covid-19 Test Result for All Airline Passengers Arriving into The United States from The United Kingdom. This collection accompanies a CDC Order of the same name, and is designed to ensure public health authorities in the United States can confirm that individuals have received a negative test result for COVID–19 prior to departing the United Kingdom and arriving in the United States.

DATES: CDC must receive written comments on or before March 29, 2021.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2021–0006 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

Please note: Submit all comments through the Federal eRulemaking portal (regulations.gov) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, of the Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov*.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

5. Assess information collection costs.

Proposed Project

Requirement for Proof of Negative COVID–19 test result for all airline passengers arriving into the United States from the United Kingdom—New—National Center for Emerging Zoonotic and Infectious Diseases (NCEZID), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This information collection accompanies the Notice and Order named above. Pursuant to 42 CFR 71.20 and as set forth in greater detail below, this Notice and Order prohibit the introduction into the United States of any airline passenger departing from the UK unless the passenger has a negative pre-departure test result for COVID–19. The test must be a viral test that was conducted on a specimen collected during the three calendar days preceding the flight's departure (Qualifying Test). Passengers must retain written or electronic documentation reflecting the negative Qualifying Test result presented to the airline and produce such results upon request to any U.S. government official or a cooperating state or local public health authority.

Pursuant to 42 CFR 71.31(b) and as set forth in greater detail below, this Notice and Order constitutes a controlled free pratique to any airline with an aircraft arriving into the United States from the UK. Pursuant to the controlled free pratique, the airline must comply with the following conditions in order to receive permission for the aircraft to enter and disembark passengers in the United States:

• Airline must verify that every passenger—two years of age or older—onboard the flight has attested to having received a negative Qualifying Test result.
• Airline must confirm that every passenger onboard the aircraft has documentation reflecting a negative Qualifying Test result.

CDC is requiring that individuals retain copies of their negative tests. CDC anticipates this will result in no significant costs or burden in either hard copy or electronic form. CDC is also requiring that the airlines retain the attestation of negative test provided by the passenger. As long as the attestation conforms to Attachment A of the Order, either electronic or hard copy retention is acceptable. CDC anticipates that any hard copy attestation would be digitized and result in negligible storage costs. Estimated annual burden hours requested are 266,667.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Traveler (3rd Party Disclosure)	Proof of a negative COVID–19 test	1,000,000	1	15/60	250,000
Airline Desk Agent	Review of proof of negative COVID–19 test.	1,000,000	1	1/60	16,667
Total					266,667

Jeffrey M. Zirger,
Lead, Information Collection Review Office, Office of Scientific Integrity, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2021–01620 Filed 1–25–21; 8:45 am]
BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10291]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS)

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *February 25, 2021.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html.*
2. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* State Collection and Reporting of Dental Provider and Benefit Package Information on the Insure Kids Now! Website and Hotline; *Use:* On the Insure Kids Now (IKN) website, the Secretary is required to post a current and accurate list of dentists and providers that provide dental services to children enrolled in the state plan (or waiver) under Medicaid or the state child health plan (or waiver) under CHIP. States collect the information pertaining to their Medicaid and CHIP dental benefits. *Form Number:* CMS–10291 (OMB control number: 0938–1065); *Frequency:* Yearly and quarterly; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 255; *Total Annual Hours:* 11,781. (For policy questions regarding this collection contact Andrew Snyder at 410–786–1274.)

Dated: January 19, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021–01567 Filed 1–25–21; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Grants to States for Access and Visitation, OMB #0970–0204

AGENCY: Division of Program Innovation; Office of Child Support Enforcement; Administration for Children and Families; HHS.

ACTION: Request for public comment.

SUMMARY: The Division of Program Innovation (DPI), Office of Child Support Enforcement (OCSE), Administration for Children and Families (ACF) is requesting a 3-year extension of the Access and Visitation Survey: Annual Report (OMB #0970–0204, expiration 10/31/2021). There are no changes requested to the form.

DATES: *Comments due within 60 days of publication.* In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: Copies of the proposed collection of information can be obtained and comments may be forwarded by emailing *infocollection@acf.hhs.gov.* Alternatively, copies can also be obtained by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation (OPRE), 330 C Street SW, Washington, DC 20201, Attn: ACF Reports Clearance Officer. All requests, emailed or written, should be identified by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The grantee and/or subgrantee submits the spreadsheet and survey yearly. Information is used by OCSE as the primary means for adhering to the statutory (Sec. 469B. [42 U.S.C. 669b]) and regulatory (45 CFR part 303) requirements for recipients of ''*Grants to States for Access and Visitation.*''

Respondents: State Child Access and Visitation Programs and state and/or local service providers.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of responses per respondent	Average burden hours per response	Annual burden hours
Online Portal Survey by States and Jurisdictions	54	1	16	864
Survey of local service grantees	296	1	16	4,736

Estimated Total Annual Burden Hours: 5,600.

Comments: The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: Sec. 469B [42 U.S.C.669b]; 45 CFR part 303.

Mary B. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2021–01555 Filed 1–25–21; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Clinical Trials Review Committee.

Date: February 25–26, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Nakia C. Brown, Ph., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Room 816, Bethesda, MD 20892, 301–827–4905, *brownnac@mail.nih.gov.*

Name of Committee: Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

Date: March 4–5, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis, Musculoskeletal and Skin Diseases, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Helen Lin, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 800, Bethesda, MD 20817, 301–594–4952, *linh1@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 19, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01599 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Limited Competition: Stimulating Access to Research in Residency Transition Scholar (StARRTS) (K38) (Clinical Trial Not Allowed).

Date: February 26, 2021.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F30A, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Ellen S. Buczko, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3F30A Rockville, MD 20852, (240) 669–5028, *ebuczko1@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 19, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01559 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; NIDCD Clinical Trial (U01) Review.

Date: February 24, 2021.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Katherine Shim, Ph.D., Scientific Review Officer, Division of Extramural Activities, NIH/NIDCD, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *katherine.shim@nih.gov*.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Chemosensory Fellowship Applications Review.

Date: February 25, 2021.

Time: 1:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Sheo Singh, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, 6001 Executive Blvd., Room 8351, Bethesda, MD 20892, 301–496–8683, *singhs@nidcd.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 19, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01598 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Center Core Grant for Vision Research (P30).

Date: March 4, 2021.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jeanette M. Hosseini, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892, 301–451–2020, *jeanetteh@mail.nih.gov*.

Name of Committee: National Eye Institute Special Emphasis Panel; NEI Individual Mentored Career Awards.

Date: March 10, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Eye Institute, National Institutes of Health, 6700B Rockledge Drive, Suite 3400, Bethesda, MD 20817, 240–276–5864, *jennifer.schiltz@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: January 19, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01561 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, January 26, 2021, 11:00 a.m. to January 26, 2021, 03:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD, 20852 which was published in the **Federal Register** on December 08, 2020, 85 FR 79018.

This notice is being amended to change the date of this one-day meeting to February 24, 2021. The meeting time remains the same. The meeting is closed to the public.

Dated: January 19, 2021.

Natasha M. Copeland,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01560 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Deafness and Other Communication Disorders Special Emphasis Panel, February 05, 2021, 11:00 a.m. to February 05, 2021, 02:00 p.m., National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 which was published in the **Federal Register** on January 19, 2021, 85 FR 83977.

This meeting date has been changed to 2/17/2021. The meeting is closed to the public.

Dated: January 19, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01597 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS AMS Member Conflict Review.

Date: February 19, 2021.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 824, Bethesda, MD 20817, 301–594–8919, *liuy@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; P30 Resource-Based Core Review for Skin Biology and Skin Diseases.

Date: February 22–23, 2021.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; P30 Rheumatic Diseases Review Meeting.

Date: March 1–2, 2021.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, 6701 Democracy Boulevard, Suite 820, Bethesda, MD 20892, 301–827–7835, *yasuko.furumoto@nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; P30 Resource-Based Centers for Bone, Muscle and Orthopaedic Research Review.

Date: March 8–9, 2021.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Yin Liu, Ph.D., MD, Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Blvd., Room 824, Bethesda, MD 20817, 301–594–8919, *liuy@mail.nih.gov.*

Name of Committee: National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel; NIAMS AMSC Member Conflict Review Meeting.

Date: March 16, 2021.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kan Ma, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Arthritis, Musculoskeletal and Skin Diseases, NIH, 6701 Democracy Boulevard, Suite 814, Bethesda, MD 20892, 301–451–4838, *mak2@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: January 19, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01600 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Conference Grants.

Date: February 25, 2021.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Natcher Building, 7201 Wisconsin Avenue, Bethesda, MD 20892 (Video Meeting).

Contact Person: Dario Dieguez, Jr, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Aging, National Institutes of Health Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, (301) 827–3101, *dario.dieguez@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 19, 2021.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021–01596 Filed 1–25–21; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2008–0010]

Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Board of Visitors for the National Fire Academy (Board) will meet virtually on Wednesday, March 10, 2021. The meeting will be open to the public.

DATES: The meeting will take place on Wednesday, March 10, 2021, 1:00 p.m. to 3:00 p.m. EDT. Please note that the meeting may close early if the Board has completed its business.

ADDRESSES: Members of the public who wish to participate in the virtual meeting should contact Deborah Gartrell-Kemp as listed in the **FOR FURTHER INFORMATION CONTACT** section by close of business March 1, 2021, to obtain the call-in number and access code for the March 10, 2021 virtual meeting. For more information on services for individuals with disabilities or to request special assistance, contact Deborah Gartrell-Kemp as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the Board as listed in the **SUPPLEMENTARY INFORMATION** section. Participants seeking to have their comments considered during the meeting should submit them in advance or during the public comment segment. Comments submitted up to 30 days after the meeting will be included in the public record and may be considered at the next meeting. Comments submitted in advance must be identified by Docket ID FEMA–2008–0010 and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Electronic Delivery:* Deborah Gartrell-Kemp at *Deborah.GartrellKemp@fema.dhs.gov* no later than February 19, 2021, for consideration at the March 10, 2021 meeting.

Instructions: All submissions received must include the words ''Federal Emergency Management Agency'' and the Docket ID for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the National Fire Academy Board of Visitors, go to *http://www.regulations.gov,* click on ''Advanced Search,'' then enter ''FEMA–2008–0010'' in the ''By Docket ID'' box, then select ''FEMA'' under ''By Agency,'' and then click ''Search.''

FOR FURTHER INFORMATION CONTACT: *Alternate Designated Federal Officer:* Stephen Dean, telephone (301) 447–1271, email *Stephen.Dean@fema.dhs.gov*.

Logistical Information: Deborah Gartrell-Kemp, telephone (301) 447–7230, email *Deborah.GartrellKemp@fema.dhs.gov*.

SUPPLEMENTARY INFORMATION: The Board will meet via teleconference on Wednesday, March 10, 2020. The meeting will be open to the public. Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. Appendix.

Purpose of the Board

The purpose of the Board is to review annually the programs of the National Fire Academy (Academy) and advise the Administrator of the Federal Emergency Management Agency (FEMA), through the United States Fire Administrator, on the operation of the Academy and any improvements therein that the Board deems appropriate. In carrying out its responsibilities, the Board examines Academy programs to determine whether these programs further the basic missions that are approved by the Administrator of FEMA, examines the physical plant of the Academy to determine the adequacy of the Academy's facilities, and examines the funding levels for Academy programs. The Board submits a written annual report through the United States Fire Administrator to the Administrator of FEMA. The report provides detailed comments and recommendations regarding the operation of the Academy.

Agenda

On Wednesday, March 10, 2021, there will be four sessions, with deliberations and voting at the end of each session as necessary:

1. The Board will discuss USFA Data, Research, Prevention and Response.

2. The Board will discuss deferred maintenance and capital improvements on the National Emergency Training Center campus and Fiscal Year 2021 Budget Request/Budget Planning.

3. The Board will deliberate and vote on recommendations on Academy program activities to include developments, deliveries, staffing, and admissions.

4. There will also be an update on the Board of Visitors Subcommittee Groups for the Professional Development Initiative Update and the National Fire Incident Report System.

There will be a 10-minute comment period after each agenda item and each speaker will be given no more than 2 minutes to speak. Please note that the

public comment period may end before the time indicated following the last call for comments. Contact Deborah Gartrell-Kemp to register as a speaker. Meeting materials will be posted at *https://www.usfa.fema.gov/training/nfa/about/bov.html* by March 1, 2021.

Eriks J. Gabliks,

Superintendent, National Fire Academy, United States Fire Administration, Federal Emergency Management Agency.

[FR Doc. 2021–01571 Filed 1–25–21; 8:45 am]

BILLING CODE 9111–74–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1241]

Certain Electrical Connectors and Cages, Components Thereof, and Products Containing the Same: Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 18, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Amphenol Corp. of Wallingford, Connecticut. Supplements to the complaint were filed on December 22, 2020 and January 6, 2021. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrical connectors and cages, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent No. 7,371,117 (''the '117 Patent''); U.S. Patent No. 8,371,875 (''the '875 Patent''); U.S. Patent No. 8,864,521 (''the '521 Patent''); U.S. Patent No. 9,705,255 (''the '255 Patent''); and U.S. Patent No. 10,381,767 (''the '767 Patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. For help accessing EDIS, please email *EDIS3Help@usitc.gov*. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov*.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 19, 2021, *ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1, 2, 9, 11, 24–27, and 29 of the '117 patent; claims 1, 2, 9, 10, 12, and 13 of the '875 patent; claims 33–35, 38–40, 45, 46, and 48–50 of the '521 patent; claims 1–3, 5–8, 12–14, and 16–18 of the '255 patent; claims 1–7, 9–17, 19–23, 24–27, and 28–30 of the '767 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is ''high speed electrical connectors, components thereof, electrical connectors disposed within metal cages, and products containing the same, including electrical connectors mounted to printed circuit boards, such as test boards, test fixtures, or mated compliance boards;''

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Amphenol Corp. 358 Hall Ave. Wallingford, CT 06492.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Luxshare Precision Industry Co., Ltd. No. 17 Kuiqing Rd. Qinghuang Industrial Zone, Qingxi Town Dongguan City, Guangdong province, 523650 China

Dongguan Luxshare Precision Industry Co. Ltd. Floor 1, Building 5, No. 313, Beihuan Road, Qingxi Town, Dongguan City, Guangdong province, 523000 China

Luxshare Precision Limited (HK) Unit 2018, 20F, Shatin Galleria 18–24 Shan Mei Street Fotan, New Territories, Hong Kong

Luxshare-ICT Inc. 890 Hillview Court, #200 Milpitas, CA 95035

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 21, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01649 Filed 1–25–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1118 (Advisory Opinion Proceeding)]

Certain Movable Barrier Operator Systems and Components Thereof Notice of a Commission Determination To Institute an Advisory Opinion Proceeding

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the ''Commission'') has determined to institute an advisory opinion proceeding, as requested by respondents Nortek Security & Control, LLC of Carlsbad, California; Nortek, Inc. of Providence, Rhode Island; and GTO Access Systems, LLC of Tallahassee, Florida (collectively, ''Nortek''). The Commission has further determined to set a target date of six months from the date of institution for completion of this proceeding, and to refer this matter to the Chief Administrative Law Judge (''CALJ'') for assignment to an administrative law judge (''ALJ'') for appropriate proceedings and a recommendation, to be completed within four months from the date of institution.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket system (''EDIS'') at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 11, 2018, based on a complaint, as supplemented, filed by The Chamberlain Group, Inc. (''CGI'') of Oak Brook, Illinois. 83 FR 27020–21 (June 11, 2018). The complaint alleges that Nortek violated section 337 of the Tariff Act, as amended, 19 U.S.C. 1337 (''Section 337'') by importing, selling for importation, or selling in the United States after importation certain movable barrier operator (''MBO'') systems, including garage door openers (''GDOs''), that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 7,755,223 (''the '223 patent''), 8,587,404 (''the '404 patent''), and 6,741,052 (''the '052 patent''). *Id.* The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On December 12, 2018, CGI filed an opposed motion for summary determination that it satisfied the economic prong of the domestic industry requirement. On June 6, 2019, the presiding ALJ issued a notice advising the parties that the motion would be granted and a formal written order would follow. Order No. 26 (June 6, 2019).

On November 25, 2019, the ALJ issued Order No. 38, granting CGI's motion for summary determination that its investments in labor and capital were ''significant'' and satisfied the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(B). Order No. 38 (Nov. 25, 2019). Order No. 38 denied summary determination with respect to CGI's investments in plant and equipment under 19 U.S.C. 1337(a)(3)(A). *Id.*

On the same date, the ALJ issued the final Initial Determination on Violation of Section 337 (''Final ID'') and Recommended Determination on Remedy and Bond (''RD''), finding no violation of Section 337 because the asserted claims of the '223 and '404 patents are not infringed and the asserted claim of the '052 patent is invalid.

On February 19, 2020, the Commission issued a notice of its determination to review Order No. 38 and to partially review the Final ID with respect to certain issues relating to each of the three asserted patents. 85 FR 10723–26 (Feb. 25, 2020).

On April 22, 2020, the Commission affirmed there is no violation with respect to the '404 and '052 patents. Comm'n Notice at 3 (April 22, 2020). The Commission also vacated Order No. 38 and remanded the economic prong issue to the presiding ALJ for further proceedings, while the Commission continued to review issues relating to the '223 patent. *Id.;* Order Vacating and Remanding Order No. 38 (April 22, 2020) (''Remand Order'').

On July 10, 2020, the ALJ issued a Remand Initial Determination (''Remand ID''), finding that CGI made significant investments in plant and equipment and labor and capital sufficient to satisfy the economic prong of the domestic industry requirement under both Sections 337(a)(3)(A) and (B) (19 U.S.C. 1337(a)(3)(A), (B)), respectively. Remand ID (July 10, 2020). On September 9, 2020, the Commission determined to review the Remand ID. 85 FR 57249–51 (Sept. 15, 2020).

On December 3, 2020, the Commission determined that Nortek violated Section 337 by way of infringing claims 1 and 21 of the '223 patent. The Commission issued a limited exclusion order and cease and desist orders against Nortek and imposed a bond in the amount of 100 percent of the entered value of the covered products during the period of Presidential review.

On December 18, 2020, Nortek filed the subject request for an advisory opinion that GDOs that allegedly operate their obstacle detectors at a constant energy level do not infringe asserted claims 1 or 21 of the '223 patent, and thus are not covered by the remedial orders. CGI filed its opposition to Nortek's request on December 30, 2020.

On January 7, 2021, Nortek filed a motion seeking leave to file a reply to CGI's opposition. On January 11, 2021, CGI opposed Nortek's motion. The Commission has determined to deny Nortek's motion.

Having reviewed the parties' submissions in view of the record below, the Commission has determined to institute an advisory opinion proceeding, per Nortek's request, to ascertain whether GDOs that allegedly operate their obstacle detectors at a constant energy level infringe asserted claims 1 or 21 of the '223 patent and are covered by the remedial orders issued in this investigation. The Commission has determined to refer the matter to the CALJ for assignment to an ALJ for appropriate proceedings and a recommendation. The ALJ shall conduct any appropriate proceedings and issue an initial advisory opinion within four months from the date that the Commission's notice to conduct the proceeding is published in the **Federal Register**. The target date shall be two months thereafter. The ALJ may extend the target date, allowing two months for Commission review, for good cause.

The Commission voted to approve these determinations on January 19, 2021.

The authority for the Commission's determinations is contained in Section

337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 21, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01648 Filed 1–25–21; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Committee on Rules of Practice and Procedure; Meeting of the Judicial Conference

AGENCY: Judicial Conference of the United States.

ACTION: Committee on Rules of Practice and Procedure, notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting on June 22, 2021 in Washington, DC. The meeting is open to the public for observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: June 22, 2021, 9 a.m.–5 p.m. (Eastern).

FOR FURTHER INFORMATION CONTACT: Shelly Cox, Management Analyst, Administrative Office of the U.S. Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Suite 7–300, Washington, DC 20544, Phone (202) 502–1820, *RulesCommittee_Secretary@ao.uscourts.gov.*

Authority: 28 U.S.C. 2073.

Dated: January 19, 2021.

Rebecca A. Womeldorf,

Rules Committee Secretary, Rules Committee Staff.

[FR Doc. 2021–01562 Filed 1–25–21; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0106]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension Without Change of a Currently Approved Collection; Arson and Explosives Training Registration Request for Non-ATF Employees—ATF Form 6310.1

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, FirearmsC and Explosives (ATF), Department of Justice (DOJ), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection (IC) is also being published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for 60 days until March 29, 2021.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, regarding the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact: Roderic Spencer, ATF/NCETR/EETD either by mail at 3750 Corporal Road, Huntsville, AL 35898, by email at *Roderic.spencer@atf.gov,* or by telephone at 256–261–7608.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

— Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection* (check justification or Form 83): Extension without change of a currently approved collection.

2. *The Title of the Form/Collection:* Arson and Explosives Training Registration Request for Non-ATF Employees.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF Form 6310.1.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Federal Government and State, Local or Tribal Government.

Other (if applicable): None.

Abstract: The Arson and Explosives Training Registration Request for Non-ATF Employees—ATF Form 6310.1 is used by Federal, State, local, military and international law enforcement investigators to apply to attend or obtain program information about arson and explosives training provided by the Bureau of Alcohol Tobacco, Firearms and Explosives (ATF).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 500 respondents will use the form annually, and it will take each respondent approximately 6 minutes to complete their responses.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 50 hours, which is equal to 500 (# of respondents) * .1(6 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 21, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–01661 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0018]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for the Grants to Indian Tribal Governments Program (Tribal Governments Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0018. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 85 grantees of the Grants to Indian Tribal Governments Program (Tribal Governments Program), a grant program authorized by the Violence Against Women Act of 2005, as amended. This discretionary grant program is designed to enhance the ability of tribes to respond to violent crimes against Indian women, enhance victim safety, and develop education and prevention strategies. Eligible applicants are recognized Indian tribal governments or their authorized designees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 85 respondents (Tribal Governments Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Tribal Governments Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 170 hours, that is 85 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–01668 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Roger J. LaPant, Jr.,* Civil Action Number 2:16–cv–01498–KJM–DB, was lodged with the United States District Court for the Eastern District of California on January 19, 2021.

This proposed Consent Decree concerns a complaint filed by the United States against Defendant Roger J. LaPant, Jr., pursuant to Sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, to obtain injunctive relief from and impose civil penalties against the Defendant for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendant to pay a civil penalty, effectuate compensatory mitigation, and be subject to other injunctive relief.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Andrew Doyle, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, *pubcomment_eds.enrd@usdoj.gov,* and refer to *United States* v. *Roger J. LaPant, Jr.,* DJ # 90–5–1–1–20800.

The proposed Consent Decree may be examined electronically at http://www.justice.gov/enrd/consent-decrees. In addition, the proposed Consent Decree may be obtained from the Clerk's Office, United States District Court for the Eastern District of California, 501 I Street, Room 4–200, Sacramento, CA 95814. However, the Clerk's Office continues to restrict public access due to the ongoing Coronavirus/COVID–19 emergency. Please visit *http://*

www.caed.uscourts.gov or call 1–866–884–5525 for more information.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2021–01631 Filed 1–25–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Thomas E. Lipar, et al.,* Civil Action Number 4:10–cv–01904, was lodged with the United States District Court for the Southern District of Texas on January 19, 2021.

This proposed Consent Decree concerns a complaint filed by the United States against Defendants Thomas E. Lipar, LGI Land, LLC, LGI Group, LLC, and LGI Development, Inc., pursuant to Sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, to obtain remedies against them for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to effectuate compensatory mitigation, conduct best management practices work, and be subject to other injunctive relief.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Michele Walter and Andrew Doyle, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, *pubcomment_eds.enrd@usdoj.gov,* and refer to *United States* v. *Thomas E. Lipar, et al.,* DJ # 90–5–1–1–18564.

The proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.* In addition, the proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Texas, 515 Rusk Street, Houston, TX 77002. However, the Clerk's Office may limit public access due to the ongoing Coronavirus/COVID–19 emergency. Please visit *www.txs.uscourts.gov* or call 713–250–5500 for more information.

Cherie Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2021–01687 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0005]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grants to Reduce Violent Crimes Against Women on Campus Program (Campus Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection*: Form Number: 1122–0005. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract*: The affected public includes the approximately 100 grantees (institutions of higher education) of the Campus Program whose eligibility is determined by statute. Campus Program grants may be used to enhance victim services and develop programs to prevent violent crimes against women on campuses. The Campus Program also enables institutions of higher education to develop and strengthen effective security and investigation strategies to combat violent crimes against women on campuses, including domestic violence, dating violence, sexual assault, and stalking.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply*: It is estimated that it will take the approximately 100 respondents (Campus Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Campus Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection*: The total annual hour burden to complete the data collection forms is 200 hours, that is 100 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution

Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–01671 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act, Resource Conservation and Recovery Act, Clean Water Act, and the Emergency Planning Community Right to Know Act

On January 19, 2021, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Middle District of Pennsylvania in the lawsuit entitled *United States and Commonwealth of Pennsylvania Department of Environmental Protection* v. *American Zinc Recycling Corporation,* Civil Action No. 3:21–cv–00098–RDM.

If entered, the Consent Decree would resolve the Plaintiffs' claims against American Zinc Recycling Corp. (''AZR'' or ''Defendant'') related to AZR's zinc reclamation and processing facility located in Palmerton, Pennsylvania. Plaintiff United States' federal claims are based on a number of statutory provisions, including the Clean Air Act, 42 U.S.C. 7413(b); the Solid Waste Disposal Act (commonly known as the Resource Conservation and Recovery Act or ''RCRA''), 42 U.S.C. 6928(a) and (g); the Clean Water Act, 33 U.S.C. 1319(b) and 1321(b)(7)(c); and the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. 11045(c). Plaintiff Commonwealth of Pennsylvania has alleged claims under several state statutes and regulations, including the Pennsylvania Air Pollution Control Act (''APCA''), 35 P.S. §§ 4004 and 4006.1; the Pennsylvania Title V Program, 25 Pa. Code §§ 127.401–464 and 127.501–127.543; the Pennsylvania Solid Waste Management Act (''SWMA:), 35 P.S. §§ 6018.104 and 6018.503; and the Clean Streams Law, 35 P.S. §§ 691.5 and 691.307.

The Consent Decree requires AZR to perform a number of actions to address its violations of the various environmental statutes. With regard to its Clean Air Act, APCA, and Title V violations, AZR will install a new bag leak detection system in the product collectors at each of its four kilns at the facility, and a new emergency generator at one kiln. In addition, the company will continuously monitor various pollutant parameters at its kilns and product collectors, and will implement new air emission stack tests. To redress its RCRA and SWMA violations, AZR will ensure that only compliant wastes are placed into its waelzing and calcining kilns, and will implement various measures to ensure that it remains in compliance with RCRA lead storage requirements. It will also implement a number of new operating procedures and hazardous waste management and storage plans. In connection with its Clean Water Act and Clean Streams Law violations, the Consent Decree requires AZR to perform investigations of stormwater, process water, and non-contact cooling water systems at the Palmerton Facility. AZR will implement the facility's Stormwater Pollution Prevention Plan and other stormwater control measures. AZR must also revise and/or correct the Palmerton facility's Integrated Preparedness, Prevention, and Contingency Plan as well.

As a further remedy, the Consent Decree requires AZR to pay a civil penalty of $3,300,000, which will be evenly split between the United States and the Commonwealth. As the Palmerton facility is currently under an existing environmental consent decree that the proposed Consent Decree is intended to replace, a motion to terminate the existing consent decree will be filed when the Plaintiffs move to enter the proposed Consent Decree after the required public comment period.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and Commonwealth of Pennsylvania Department of Environmental Protection* v. *American Zinc Recycling Corp.,* D.J. Ref. No. 90–11–3–11529/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044–7611.

Under section 7003(d) of RCRA, a commenter may request an opportunity for a public meeting in the affected area.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees*. We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $60.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy of the Consent Decree without the appendices, the cost is $34.00.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–01678 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0010]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Grants to State Sexual Assault and Domestic Violence Coalitions Program (State Coalitions Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0010. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 88 grantees from the State Coalitions Program. The State Coalitions Program provides federal financial assistance to state coalitions to support the coordination of state victim services activities, and collaboration and coordination with federal, state, and local entities engaged in violence against women activities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 88 respondents (State Coalitions Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A State Coalitions Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 176 hours, that is 88 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–01670 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0011]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Grants to Support Tribal Domestic Violence and Sexual Assault Coalitions Program (Tribal Coalitions Program).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0011. U.S. Department of Justice, Office on Violence Against Women

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 14 grantees from the Tribal Coalitions Program. The Tribal Coalitions Program grantees include Indian tribal governments that will support the development and operation of new or existing nonprofit tribal domestic violence and sexual assault coalitions in Indian country. These grants provide funds to develop and operate nonprofit tribal domestic violence and sexual assault coalitions in Indian country to address the unique issues that confront Indian victims. The Tribal Coalitions Program provides resources for organizing and supporting efforts to end violence against Indian women.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 14 respondents (grantees from the Tribal Coalitions Program) approximately one hour to complete a Semi-Annual Progress Report. The Semi-Annual Progress Report is divided into sections that pertain to the different types of activities that grantees may engage in with grant funds. Grantees must complete only those sections that are relevant to their activities.

(6) *An estimate of the total public burden (in hours) associated with the*

collection: The total annual hour burden to complete the data collection forms is 28 hours, that is 14 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–01669 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0013]

Agency Information Collection Activities; Proposed eCollection eComments Requested; New Collection

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Semi-Annual Progress Report for Grantees from the Rural Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Child Abuse Enforcement Assistance Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0013. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the approximately 165 grantees of the Rural Program. The primary purpose of the Rural Program is to enhance the safety of victims of domestic violence, dating violence, sexual assault, stalking, and child victimization by supporting projects uniquely designed to address and prevent these crimes in rural jurisdictions. Grantees include States, Indian tribes, local governments, and nonprofit, public or private entities, including tribal nonprofit organizations, to carry out programs serving rural areas or rural communities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the approximately 165 respondents (Rural Program grantees) approximately one hour to complete a semi-annual progress report. The semi-annual progress report is divided into sections that pertain to the different types of activities in which grantees may engage. A Rural Program grantee will only be required to complete the sections of the form that pertain to its own specific activities.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the data collection forms is 330 hours, that is 165 grantees completing a form twice a year with an estimated completion time for the form being one hour.

If additional information is required contact: Melody Braswell, Deputy Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E, 405B, Washington, DC 20530.

Dated: January 21, 2021.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2021–01672 Filed 1–25–21; 8:45 am]

BILLING CODE 4410–FX–P

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Committee on Equal Opportunities in Science and Engineering (CEOSE) (#1173).

Date and Time: February 25, 2021; 1:00 p.m.–5:30 p.m.; February 26, 2021; 10:00 a.m.–3:30 p.m.

Place: National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314 (Virtual). Meeting Registration: Virtual attendance information will be forthcoming on the CEOSE website at *http://www.nsf.gov/od/oia/activities/ceose/index.jsp.*

Type of Meeting: Open.

Contact Person: Dr. Bernice Anderson, Senior Advisor and CEOSE Executive Secretary, Office of Integrative Activities (OIA), National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314. Contact Information: 703–292–8040/*banderso@nsf.gov.*

Minutes: Meeting minutes and other information may be obtained from the CEOSE Executive Secretary at the above address or the website at *http://www.nsf.gov/od/oia/activities/ceose/index.jsp.*

Purpose of Meeting: To study data, programs, policies, and other information pertinent to the National Science Foundation and to provide advice and recommendations concerning broadening participation in science and engineering.

Agenda

Day 1: February 25, 2021

- Welcome/Opening Remarks
- Report of the CEOSE Executive Liaison
- Presentation: Open Science and NSF Broader Impacts
- Joint Session with NSB
- CEOSE Liaison Reports
- Discussion: Recommendation(s) of the 2019–2020 CEOSE Report and Planning for the Next Day

Day 2: February 26, 2021

- Overview of the Day
- Discussion: Special Sessions with NCSES and EHR Advisory Committee in Spring 2021
- Group Work: Review of the Draft 2019–2020 CEOSE Review
- Reports of Federal Liaisons
- Discussion with NSF Director and Chief Operating Officer
- Announcements and Closing Remarks
- Adjournment

Dated: January 21, 2021.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2021–01656 Filed 1–25–21; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0030]

Monthly Notice: Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Monthly notice.

SUMMARY: Pursuant to section 189.a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular monthly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration (NSHC), notwithstanding the pendency before the Commission of a request for a hearing from any person. This monthly notice includes all amendments issued, or proposed to be issued, from December 11, 2020, to January 7, 2021. The last monthly notice was published on December 29, 2020.

DATES: Comments must be filed by February 25, 2021. A request for a hearing or petitions for leave to intervene must be filed by March 29, 2021.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0030. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, telephone: 301–415–2242, email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0030, facility name, unit number(s), docket number(s), application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0030.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (*https://www.regulation.gov*). Please include Docket ID NRC–2021–0030, facility name, unit number(s), docket number(s), application date, and subject, in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

For the facility-specific amendment requests shown below, the Commission finds that the licensees' analyses provided, consistent with title 10 of *the Code of Federal Regulations* (10 CFR) section 50.91, are sufficient to support the proposed determinations that these amendment requests involve NSHC. Under the Commission's regulations in 10 CFR 50.92, operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of

a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on these proposed determinations. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determinations.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue any of these license amendments before expiration of the 60-day period provided that its final determination is that the amendment involves NSHC. In addition, the Commission may issue any of these amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action on any of these amendments prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final NSHC determination for any of these amendments, any hearing will take place after issuance. The Commission expects that the need to take action on any amendment before 60 days have elapsed will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by any of these actions may file a request for a hearing and petition for leave to intervene (petition) with respect to that action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at *https://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d), the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one that, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of NSHC, the Commission will make a final determination on the issue of NSHC. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves NSHC, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, federally recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a petition is submitted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a

request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at *https://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at *https://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public website at *https://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket, which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC issued digital ID certificate as described above, click ''cancel'' when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

The table in this notice provides the plant name, docket number, date of application, ADAMS accession number, and location in the application of the licensees' proposed NSHC determinations. For further details with respect to these license amendment applications, see the applications for amendment, which are available for public inspection in ADAMS. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT REQUESTS

Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 2; New London County, CT	
Docket No(s)	50–336.
Application date	October 8, 2020, as supplemented by letter dated December 8, 2020.
ADAMS Accession Nos	ML20282A594, ML20343A259.
Location in Application of NSHC	Pages 24–26 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would revise Technical Specification (TS) 6.26, ''Steam Generator (SG) Program,'' and TS 6.9.1.9, ''Steam Generator Tube Inspection Report,'' to reflect a change to the required SG tube inspection frequency from every 72 effective full power months, or at least every third refueling outage, to every 96 effective full power months.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Lillian M. Cuoco, Esq., Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.
Dominion Energy Nuclear Connecticut, Inc.; Millstone Power Station, Unit No. 3; New London County, CT	
Docket No(s)	50–423.
Application date	November 19, 2020.
ADAMS Accession No	ML20324A703.
Location in Application of NSHC	Pages 12–14 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendment would increase the Millstone Unit No. 3 rated thermal power level from 3,650 megawatts thermal (MWt) to 3,709 MWt, an increase of approximately 1.6 percent. The proposed increase is based on using an installed Cameron Technology US LLC Leading Edge Flow Meter CheckPlus system as an ultrasonic flow meter located in each of the four main feedwater lines supplying the steam generators to improve plant calorimetric heat balance measurement accuracy. The changes would also make an editorial correction to Technical Specification (TS) 2.1.1.1 and revise TS 3.7.1.1 and TS Table 3.7–1 to update the maximum allowable power levels corresponding to the number of operable main steam safety valves per steam generator.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Lillian M. Cuoco, Esq., Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Richard Guzman, 301–415–1030.
DTE Electric Company; Fermi, Unit 2; Monroe County, MI	
Docket No(s)	50–341.
Application date	October 28, 2020.
ADAMS Accession No	ML20302A480.
Location in Application of NSHC	Pages 2–4 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would modify technical specification requirements in Section 1.3 and Section 3.0 regarding limiting condition for operation and surveillance requirement usage. These changes are consistent with the NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–529, ''Clarify Use and Application Rules.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jon P. Christinidis, DTE Energy, Expert Attorney—Regulatory, 688 WCB, One Energy Plaza, Detroit, MI 48226.
NRC Project Manager, Telephone Number	Surinder Arora, 301–415–1421.
Energy Northwest; Columbia Generating Station; Benton County, WA	
Docket No(s)	50–397.
Application date	December 2, 2020.
ADAMS Accession No	ML20337A141.
Location in Application of NSHC	Pages 7–8 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment requests adoption of NRC-approved Technical Specifications Task Force (TSTF) Traveler 439, ''Eliminate Second Completion Times Limiting Time from Discovery of Failure to Meet an LCO [Limiting Condition for Operation],'' Revision 2. The amendment would delete the second completion times from Technical Specifications 3.8.1 and 3.8.7 required actions.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Kathleen Galioto, Assistant General Counsel, Energy Northwest, MD PE13, P.O. Box 968, Richland, WA 99352.
NRC Project Manager, Telephone Number	Mahesh Chawla, 301–415–8371.
Entergy Louisiana, LLC and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA	
Docket No(s)	50–458.
Application date	November 2, 2020.
ADAMS Accession No	ML20307A647.
Location in Application of NSHC	Pages 5–6 of the Enclosure.

LICENSE AMENDMENT REQUESTS—Continued

Brief Description of Amendment(s)	The proposed amendment would revise License Condition 2.C.(10), ''Fire Protection (Section 9.5.1, SER [Safety Evaluation Report] and SSER [Supplement to Original SER] 3),'' by replacing the current wording with standard wording from Generic Letter 86–10, ''Implementation of Fire Protection Requirements,'' and would delete Attachment 4, ''Fire Protection Program Requirements,'' from the River Bend Station, Unit 1 Renewed Facility Operating License.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Anna Vinson Jones, Senior Counsel, Entergy Services, Inc.,101 Constitution Avenue NW, Suite 200 East, Washington, DC 20001.
NRC Project Manager, Telephone Number	Perry Buckberg, 301–415–1383.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL

Docket No(s)	50–456, 50–457.
Application date	December 16, 2020.
ADAMS Accession No	ML20351A433.
Location in Application of NSHC	Pages 19–20 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would revise Technical Specification (TS) 5.5.9, ''Steam Generator (SG) Program,'' for a one-time revision to the frequency for Unit 1 SG tube inspections to allow deferral of the TS required inspections until the next Unit 1 refueling outage. In addition, the proposed amendments would increment the amendment number for Unit 2 because the Unit 2 TS is on the same TS page as Unit 1.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Joel Wiebe, 301–415–6606.

Exelon Generation Company, LLC; Clinton Power Station, Unit No. 1; DeWitt County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL; Exelon Generation Company, LLC; LaSalle County Station, Units 1 and 2; LaSalle County, IL; Exelon Generation Company, LLC; Quad Cities Nuclear Power Station, Units 1 and 2; Rock Island County, IL

Docket No(s)	50–461, 50–237, 50–249, 50–373, 50–374, 50–254, 50–265
Application date	November 18, 2020.
ADAMS Accession No	ML20324A090.
Location in Application of NSHC	Pages 6–9 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would revise certain technical specification (TS) requirements related to the reactor pressure vessel (RPV) water inventory control (WIC) for each facility. The proposed changes are based on Technical Specifications Task Force (TSTF) Travelers TSTF–582, Revision 0, ''RPV WIC Enhancements'' (ADAMS Accession No. ML19240A260), and TSTF 583–T, Revision 0, ''TSTF–582 Diesel Generator Variation'' (ADAMS Accession No. ML20248H330). The proposed changes also include other administrative changes to the TSs.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Blake Purnell, 301–415–1380.

Exelon Generation Company, LLC; Dresden Nuclear Power Station, Unit 1, Grundy County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL

Docket No(s)	50–010, 50–237, 50–249.
Application date	November 2, 2020.
ADAMS Accession No	ML20307A434.
Location in Application of NSHC	Pages 39–40 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would revise the Site Emergency Plan for the post-shutdown and permanently defueled condition.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Russell Haskell, 301–415–1129.

Exelon Generation Company, LLC; Dresden Nuclear Power Station, Unit 1, Grundy County, IL; Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL

Docket No(s)	50–010, 50–237, 50–249.
Application date	September 24, 2020.
ADAMS Accession No	ML20269A404.
Location in Application of NSHC	Pages 15–18 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would change the organization, staffing, and training requirements for a certified fuel handler and non-certified operator for the permanently defueled condition..
Proposed Determination	NSHC.

LICENSE AMENDMENT REQUESTS—Continued

Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Russell Haskell, 301–415–1129.

Exelon Generation Company, LLC; Dresden Nuclear Power Station, Units 2 and 3; Grundy County, IL

Docket No(s)	50–237, 50–249
Application date	October 29, 2020.
ADAMS Accession No	ML20303A313.
Location in Application of NSHC	Pages 81–84 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would revise the Renewed Facility Operating Licenses and Appendix A, Technical Specifications, to be consistent with the permanent cessation of operation and defueling of the reactors.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.
NRC Project Manager, Telephone Number	Russell Haskell, 301–415–1129.

Exelon Generation Company, LLC; Three Mile Island Nuclear Station, Unit 1; Dauphin County, PA

Docket No(s)	50–289.
Application date	December 16, 2020.
ADAMS Accession No	ML20351A451.
Location in Application of NSHC	Pages 42–45 of Attachment 1.
Brief Description of Amendment(s)	The amendment would revise the Three Mile Island Nuclear Station, Unit 1 license conditions and technical specifications after the plant and spent fuel pool have been permanently defueled.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Donald P. Ferraro, Assistant General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Suite 305, Kennett Square, PA 19348.
NRC Project Manager, Telephone Number	Ted Smith, 301–415–6721.

PSEG Nuclear LLC; Salem Nuclear Generating Station, Unit No. 1; Salem County, NJ

Docket No(s)	50–272.
Application date	December 6, 2020.
ADAMS Accession No	ML20343A128.
Location in Application of NSHC	Pages 13–15 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would revise the reactor coolant system pressure-temperature limits and the pressurizer overpressure protection system limits and relocate them to a Pressure and Temperature Limits Report.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Steven Fleischer, PSEG Services Corporation, 80 Park Plaza, T–5, Newark, NJ 07102.
NRC Project Manager, Telephone Number	James Kim, 301–415–4125.

Union Electric Company; Callaway Plant, Unit No. 1; Callaway County, MO

Docket No(s)	50–483.
Application date	October 30, 2020.
ADAMS Accession No	ML20304A455.
Location in Application of NSHC	Pages 27–29 of Enclosure 1.
Brief Description of Amendment(s)	The proposed amendment would modify the plant licensing basis by the addition of a license condition (i.e., License Condition 2.(C).(19)) to allow for the implementation of the provisions of 10 CFR 50.69, ''Risk-Informed Categorization and Treatment of Structures, Systems and Components for Nuclear Power Reactors.''.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Jay E. Silberg, Pillsbury Winthrop Shaw Pittman LLP, 1200 17th St. NW, Washington, DC 20036.
NRC Project Manager, Telephone Number	Mahesh Chawla, 301–415–8371.

Virginia Electric and Power Company, Dominion Nuclear Company; North Anna Power Station, Units 1 and 2; Louisa County, VA

Docket No(s)	50–338, 50–339.
Application date	December 17, 2020.
ADAMS Accession No	ML20352A394.
Location in Application of NSHC	Pages 10–13 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would augment Technical Specification Surveillance Requirements 3.8.4.2 and 3.4.8.5 to include verification of total battery connection resistance.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Lillian M. Cuoco, Esq., Senior Counsel, Dominion Energy, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	G. Ed Miller, 301–415–2481.

LICENSE AMENDMENT REQUESTS—Continued

Virginia Electric and Power Company; Surry Power Station, Unit Nos. 1 and 2; Surry County, VA	
Docket No(s)	50–280, 50–281.
Application date	October 22, 2020.
ADAMS Accession No	ML20296A623.
Location in Application of NSHC	Pages 11–13 of Attachment 1.
Brief Description of Amendment(s)	The proposed amendments would permit the application of the leak-before-break methodology to the auxiliary piping systems attached to the reactor coolant system for Surry Power Station, Unit Nos. 1 and 2 to eliminate the dynamic effects of postulated pipe ruptures.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W. S. Blair, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Vaughn Thomas, 301–415–5897.
Virginia Electric and Power Company; Surry Power Station, Unit Nos. 1 and 2; Surry County, VA	
Docket No(s)	50–280, 50–281.
Application date	December 3, 2020.
ADAMS Accession No	ML20338A542.
Location in Application of NSHC	Pages 26–27 of the Attachment.
Brief Description of Amendment(s)	The proposed amendments would update the Alternative Source Term analysis for the Surry Power Station, Unit Nos. 1 and 2 following a loss-of-coolant accident.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	W. S. Blair, Senior Counsel, Dominion Resource Services, Inc., 120 Tredegar St., RS–2, Richmond, VA 23219.
NRC Project Manager, Telephone Number	Vaughn Thomas, 301–415–5897.
Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS	
Docket No(s)	50–482.
Application date	November 4, 2020.
ADAMS Accession No	ML20310A201.
Location in Application of NSHC	Pages 4–5 of Attachment I.
Brief Description of Amendment(s)	The amendment would modify Wolf Creek Generating Station, Unit 1, renewed facility operating license to reflect a corporate name change for the owner licensee names for Kansas Gas and Electric Company to Evergy Kansas South, Inc., and Kansas City Power & Light Company to Evergy Metro, Inc.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Thomas C. Poindexter, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004–2541.
NRC Project Manager, Telephone Number	Samson Lee, 301–415–3168.
Wolf Creek Nuclear Operating Corporation; Wolf Creek Generating Station, Unit 1; Coffey County, KS	
Docket No(s)	50–482.
Application date	November 10, 2020.
ADAMS Accession No	ML20315A433.
Location in Application of NSHC	Pages 7–8 of Attachment I.
Brief Description of Amendment(s)	The amendment would revise Technical Specification 3.6.3, ''Containment Isolation Valves,'' and Surveillance Requirement 3.6.3.1 to allow use of a blind flange.
Proposed Determination	NSHC.
Name of Attorney for Licensee, Mailing Address	Thomas C. Poindexter, Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004–2541.
NRC Project Manager, Telephone Number	Samson Lee, 301–415–3168.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last monthly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed NSHC determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated in the safety evaluation for each amendment.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated in the safety evaluation for the amendment.

For further details with respect to each action, see the amendment and associated documents such as the Commission's letter and safety evaluation, which may be obtained using the ADAMS accession numbers

indicated in the table below. The safety evaluation will provide the ADAMS accession numbers for the application for amendment and the **Federal Register** citation for any environmental assessment. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

LICENSE AMENDMENT ISSUANCE

DTE Electric Company; Fermi, Unit 2; Monroe County, MI	
Docket No(s)	50–341
Amendment Date	December 22, 2020.
ADAMS Accession No	ML20294A035.
Amendment No(s)	217.
Brief Description of Amendment(s)	The amendment revised Fermi, Unit 2 Technical Specification (TS) 3.6.4.1, ''Secondary Containment,'' and Surveillance Requirement (SR) 3.6.4.1.1 to address conditions during which the secondary containment pressure may not meet the SR pressure requirements. In addition, SR 3.6.4.1.3 was modified to acknowledge that secondary containment access openings may be open for entry and exit at certain times, and an administrative change was made to SR 3.6.4.1.5. The changes are similar to Technical Specifications Task Force (TSTF) Traveler TSTF–551. However, the license amendment request was submitted on a plant-specific basis rather than direct adoption of TSTF–551 due to a variation taken with respect to the fuel handling accident analysis.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Duke Energy Carolinas, LLC; Oconee Nuclear Station, Units 1, 2, and 3; Oconee County, SC	
Docket No(s)	50–269, 50–270, 50–287.
Amendment Date	December 9, 2020.
ADAMS Accession No	ML20303A024.
Amendment No(s)	419 (Unit 1), 421 (Unit 2), and 420 (Unit 3).
Brief Description of Amendment(s)	The amendments revised Technical Specification (TS) 3.9.1, ''Boron Concentration,'' by adding a note to clarify the TS limiting condition for operation. These changes are consistent with the NRC-approved Technical Specifications Task Force (TSTF) traveler TSTF–272, Revision 1, ''Refueling Boron Concentration Clarification.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Duke Energy Progress, LLC; Shearon Harris Nuclear Power Plant, Unit 1; Wake and Chatham Counties, NC	
Docket No(s)	50–400.
Amendment Date	December 8, 2020.
ADAMS Accession No	ML20259A512.
Amendment No(s)	181.
Brief Description of Amendment(s)	The amendment revised the Shearon Harris Nuclear Power Plant, Unit 1 Technical Specifications to allow a permanent extension of the Type A test interval from 10 years to 15 years, a more conservative allowable test interval extension of 9 months for Type A, Type B and Type C leakage rate tests, and an extension of the Type C test interval up to 75 months, based on acceptable performance history as defined in Nuclear Energy Institute (NEI) 94–01, Revision 3–A. The amendment also adopted 10 CFR part 50, Appendix J, ''Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors,'' Option B, ''Performance-Based Requirements,'' subject to certain NRC-approved exemptions, for the performance-based testing of Type B and C tested components and the use of American National Standards Institute/American Nuclear Society (ANSI/ANS) 56.8–2002, ''Containment System Leakage Testing Requirements.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Energy Harbor Nuclear Corp. and Energy Harbor Nuclear Generation LLC; Beaver Valley Power Station, Units 1 and 2; Beaver County, PA	
Docket No(s)	50–334, 50–412.
Amendment Date	December 28, 2020.
ADAMS Accession No	ML20335A023.
Amendment No(s)	306 (Unit 1) and 196 (Unit 2).
Brief Description of Amendment(s)	The amendments removed License Conditions B and C (related to the irradiated fuel management plan funding) to recognize the cancellation of premature shutdown plans announced in 2019.
Public Comments Received as to Proposed NSHC (Yes/No).	No.
Energy Northwest; Columbia Generating Station; Benton County, WA	
Docket No(s)	50–397.
Amendment Date	December 15, 2020.
ADAMS Accession No	ML20302A026.
Amendment No(s)	262.

LICENSE AMENDMENT ISSUANCE—Continued

Brief Description of Amendment(s)	The amendment revised the technical specifications (TSs) to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–564, ''Safety Limit MCPR [Minimum Critical Power Ratio],'' Revision 2. Specifically, the amendment revised TS Safety Limit 2.1.1.2 and TS 5.6.3, ''Core Operating Limits Report (COLR).''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Entergy Louisiana, LLC and Entergy Operations, Inc.; River Bend Station, Unit 1; West Feliciana Parish, LA

Docket No(s)	50–458.
Amendment Date	January 6, 2021.
ADAMS Accession No	ML20339A518.
Amendment No(s)	203.
Brief Description of Amendment(s)	The amendment revised the technical specifications related to reactor pressure vessel (RPV) water inventory control (WIC) to incorporate operating experience and to correct errors and omissions in Technical Specifications Task Force (TSTF) Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control.'' The changes are consistent with NRC-approved TSTF 582, ''RPV WIC Enhancements.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2, Will County, IL; Byron Station, Unit Nos. 1 and 2, Ogle County, IL

Docket No(s)	50–454, 50–455, 50–456, 50–457.
Amendment Date	December 28, 2020.
ADAMS Accession No	ML20317A001.
Amendment No(s)	Braidwood 219 (Unit 1) and 219 (Unit 2); Bryon 223 (Unit 1) and 223 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification 5.6.5, ''Core Operating Limits Report (COLR),'' to replace the NRC-approved loss-of-coolant accident (LOCA) methodologies with a single, newer NRC-approved LOCA methodology, the FULL SPECTRUM™ LOCA Evaluation Model.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Docket No(s)	50–315, 50–316.
Amendment Date	December 30, 2020.
ADAMS Accession No	ML20315A483.
Amendment No(s)	354 (Unit 1) and 334 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Conditions, Required Actions, and Completion Times in the technical specifications (TSs) for the Condition where one steam supply to the turbine-driven auxiliary feedwater (AFW) pump is inoperable concurrent with an inoperable motor-driven AFW train. In addition, the amendments revised the TSs that establish specific Actions: (1) For when two motor-driven AFW trains are inoperable at the same time and; (2) for when the turbine-driven AFW train is inoperable either (a) due solely to one inoperable steam supply, or (b) due to reasons other than one inoperable steam supply. The amendments are consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler, TSTF–412, Revision 3, ''Provide Actions for One Steam Supply to Turbine Driven AFW/EFW [Emergency Feedwater] Pump Inoperable.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Units 1 and 2; Berrien County, MI

Docket No(s)	50–315, 50–316.
Amendment Date	January 6, 2021.
ADAMS Accession No	ML20322A428.
Amendment No(s)	355 (Unit 1) and 335 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specification (TS) 3.5.2, ''ECCS [Emergency Core Cooling System]—Operating,'' and TS 3.5.3, ''ECCS—Shutdown.'' The changes also added a new TS 3.6.15, ''Containment Recirculation Sump,'' to TS Section 3.6, ''Containment Systems.'' The changes are based on Technical Specifications Task Force (TSTF) Traveler TSTF–567, Revision 1, ''Add Containment Sump TS to Address GSI [Generic Safety Issue] 191 Issues.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

NextEra Energy Seabrook, LLC; Seabrook Station, Unit No. 1; Rockingham County, NH

Docket No(s)	50–443.
Amendment Date	December 28, 2020.
ADAMS Accession No	ML20293A157.
Amendment No(s)	167.

LICENSE AMENDMENT ISSUANCE—Continued

Brief Description of Amendment(s)	The amendment revised the technical specification requirement for the reactor trip system instrumentation and engineered safety features actuation system (ESFAS) instrumentation to implement the allowed outage times and bypass test times justified in WCAP–14333–P–A, ''Probabilistic Risk Analysis of the RPS [Reactor Protection System] and ESFAS Test Times and Completion Times,'' and WCAP–15376–P–A, ''Risk-Informed Assessment of the RTS [Reactor Trip System] and ESFAS Surveillance Test Intervals and Reactor Trip Breaker Test and Completion Times.'' The amendment incorporated changes contained in Technical Specifications Task Force (TSTF) Traveler, TSTF–411, ''Surveillance Test Interval Extensions for Components of the Reactor Protection System (WCAP–15376),'' and TSTF–418, ''RPS and ESFAS Test Times and Completion Times (WCAP–14333).''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Joseph M Farley Nuclear Plant, Units 1 and 2; Houston County, AL

Docket No(s)	50–348, 50–364.
Amendment Date	December 11, 2020.
ADAMS Accession No	ML20303A119.
Amendment No(s)	232 (Unit 1) and 229 (Unit 2).
Brief Description of Amendment(s)	The amendments added a new Technical Specification (TS) 3.6.10, ''Containment Sump'' and modified surveillance requirements in TS 3.5.2, ''ECCS [Emergency Core Cooling Systems]—Operating'' and TS 3.5.3, ''ECCS-Shutdown,'' to adopt Technical Specifications Task Force (TSTF) Traveler TSTF–567, Revision 1, ''Add Containment Sump TS to Address GSI–191 Issues.''
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Burke County, GA

Docket No(s)	52–025, 52–026.
Amendment Date	December 7, 2020.
ADAMS Accession No	ML20314A006.
Amendment No(s)	186 (Unit 3) and 184 (Unit 4).
Brief Description of Amendment(s)	The amendments authorized changes to Technical Specification (TS) 3.6.3, ''Containment Isolation Valves,'' and TS 3.6.9, ''Vacuum Relief Valves,'' to exclude the vacuum relief containment isolation valves from TS Limiting Condition for Operation 3.6.3 and addressed the containment isolation function, operability, actions, and surveillances in TS 3.6.9.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Unit 1; Luzerne County, PA; Susquehanna Nuclear, LLC and Allegheny Electric Cooperative, Inc.; Susquehanna Steam Electric Station, Unit 2; Luzerne County, PA

Docket No(s)	50–387, 50–388.
Amendment Date	December 22, 2020.
ADAMS Accession No	ML20297A564.
Amendment No(s)	277 (Unit 1) and 259 (Unit 2).
Brief Description of Amendment(s)	The amendments revised Technical Specifications 1.3, ''Completion Times,'' and 3.0, ''Limiting Condition for Operation (LCO) Applicability'' and ''Surveillance Requirement (SR) Applicability.'' The changes clarify and expand the use and application of the Susquehanna, Units 1 and 2, usage rules, consistent with NRC-approved Technical Specifications Task Force (TSTF) Traveler TSTF–529, Revision 4, ''Clarify Use and Application Rules,'' dated February 29, 2016.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

Tennessee Valley Authority; Watts Bar Nuclear Plant, Units 1 and 2; Rhea County, TN

Docket No(s).	50–390, 50–391.
Amendment Date	December 8, 2020.
ADAMS Accession No	ML20245E413.
Amendment No(s)	139 (Unit 1) and 45 (Unit 2).
Brief Description of Amendment(s)	The amendments modified Technical Specification 3.6.15 by deleting existing Condition B and revised the acceptance criteria for annulus pressure in Surveillance Requirement 3.6.15.1.
Public Comments Received as to Proposed NSHC (Yes/No).	No.

IV. Previously Published Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The following notice was previously published as a separate individual notice. It was published as an individual notice either because time did not allow the Commission to wait for this monthly notice or because the action involved exigent circumstances. It is repeated here because the monthly notice lists all amendments issued or proposed to be issued involving NSHC.

For details, including the applicable notice period, see the individual notice in the **Federal Register** on the day and page cited.

LICENSE AMENDMENT REQUEST—REPEAT OF INDIVIDUAL FEDERAL REGISTER NOTICE

Indiana Michigan Power Company; Donald C. Cook Nuclear Plant, Unit 2; Berrien County, MI	
Docket No	50–316.
Application Date	December 14, 2020.
ADAMS Accession No	ML20352A221.
Brief Description of Amendment	The proposed amendment would revise the Donald C. Cook Nuclear Plant, Unit No. 2 technical specifications to allow a one-time deferral of the requirement to inspect each steam generator from the spring of 2021 to the fall of 2022 refueling outage.
Date & Cite of **Federal Register** Individual Notice.	December 31, 2020; 85 FR 86969.
Expiration Dates for Public Comments & Hearing Requests.	February 1, 2021 (Public Comments); March 1, 2021 (Hearing Requests).

Dated: January 19, 2021.

For the Nuclear Regulatory Commission.

David J. Wrona,

Acting Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–01494 Filed 1–25–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of January 25, February 1, 8, 15, 22, March 1, 2021.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of January 25, 2021

There are no meetings scheduled for the week of January 25, 2021.

Week of February 1, 2021—Tentative

There are no meetings scheduled for the week of February 1, 2021.

Week of February 8, 2021—Tentative

Thursday, February 11, 2021

9:00 a.m. Discussion of NRC's Regulatory Framework for Dry Cask Storage and Transportation of Spent Nuclear Fuel and Related Research Activities (Public Meeting); (Contact: Damaris Marcano: 301–415–7328)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

Week of February 15, 2021—Tentative

Thursday, February 18, 2021

10:00 a.m. Briefing on Equal Employment Opportunity, Affirmative Employment, and Small Business (Public Meeting); (Contact: Nadim Khan: 301–415–1119)

Additional Information: Due to COVID–19, there will be no physical public attendance. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/*.

Week of February 22, 2021—Tentative

There are no meetings scheduled for the week of February 22, 2021.

Week of March 1, 2021—Tentative

There are no meetings scheduled for the week of March 1, 2021.

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Wesley Held at 301–287–3591 or via email at *Wesley.Held@nrc.gov.* The schedule for Commission meetings is subject to change on short notice.

The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Tyesha.Bush@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: January 21, 2021.

For the Nuclear Regulatory Commission.

Wesley W. Held,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2021–01689 Filed 1–22–21; 4:15 pm]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is

necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

1. Title and purpose of information collection: RUIA Claims Notification and Verification System; OMB 3220–0171.

Section 5(b) of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 355), requires that effective January 1, 1990, when a claim for benefits is filed with the Railroad Retirement Board (RRB), the RRB shall provide notice of the claim to the claimant's base year employer(s) to provide them an opportunity to submit information relevant to the claim before making an initial determination. If the RRB determines to pay benefits to the claimant under the RUIA, the RRB shall notify the base-year employer(s).

The purpose of the RUIA Claims Notification and Verification System is to provide two notices, pre-payment Form ID–4K, Prepayment Notice of Employees' Applications and Claims for Benefits Under the Railroad Unemployment Insurance Act, and post-payment Form ID–4E, Notice of RUIA Claim Determination. Prepayment Form ID–4K provides notice to a claimant's base-year employer(s), of each unemployment application and unemployment and sickness claim filed for benefits under the RUIA and provides the employer an opportunity to convey information relevant to the proper adjudication of the claim.

The railroad employer can elect to receive Form ID–4K by one of three options: A computer-generated paper notice, by Electronic Data Interchange (EDI), or online via the RRB's Employer Reporting System (ERS). The railroad employer can respond to the ID–4K notice by telephone, manually by mailing a completed ID–4K back to the RRB, or electronically via EDI or ERS. Completion is voluntary. The RRB proposes to replace using EDI with the use of secure File Transfer Protocol (FTP), which is the standard network protocol used for transferring files between a railroad employer and the RRB. The RRB proposes no changes to the other versions of the ID–4K.

Once the RRB determines to pay a claim post-payment Form Letter ID–4E, Notice of RUIA Claim Determination, is used to notify the base-year employer(s). This gives the employer a second opportunity to challenge the claim for benefits.

The ID–4E mainframe-generated paper notice, EDI, and internet versions are transmitted on a daily basis, generally on the same day that the claims are approved for payment. Railroad employers who are mailed Form ID–4E are instructed to write if they want a reconsideration of the RRB's determination to pay. Employers who receive the ID–4E electronically, may file a reconsideration request by completing the ID–4E by either EDI or ERS. Completion is voluntary. The RRB proposes to replace using EDI with the use of secure File Transfer Protocol (FTP). The RRB proposes no changes to form ID–4K, ID–4K (Internet), ID–4E, and ID–4E (Internet).

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
ID–4K (Manual)	1,250	2	42
ID–4K (FTP)	17,600	(*)	210
ID–4K (Internet)	66,800	2	2,226
ID–4E (Manual)	50	2	2
ID–4E (Internet)	120	2	4
Total	85,820		2,484

* The burden for the railroad employers receiving file transfer protocol (FTP) messages has been calculated in the following manner. We estimate that 10 minutes a day would be required on average for each of the 5 railroad employers to operate the system. Based on 251 workdays in a year, we calculate the number of burden hours to be 210 hours, of which we allocated 40 percent to unemployment transactions (84 burden hours) and 60 percent to sickness transactions (126 burden hours).

2. Title and purpose of information collection: Request for internet Services, OMB 3220–0198. The RRB uses a Personal Identification Number (PIN)/Password system that allows RRB customers to conduct business with the agency electronically. As part of the system, the RRB collects information needed to establish a unique PIN/Password that allows customer access to RRB internet-based services. The information collected is matched against records of the railroad employee that are maintained by the RRB. If the information is verified, the request is approved and the RRB mails a Password Request Code (PRC) to the requestor. If the information provided cannot be verified, the requestor is advised to contact the nearest field office of the RRB to resolve the discrepancy. Once a PRC is obtained from the RRB, the requestor can apply for a PIN/Password online. Once the PIN/Password has been established, the requestor has access to RRB internet-based services.

Completion is voluntary, however, the RRB will be unable to provide a PRC or allow a requestor to establish a PIN/Password (thereby denying system access), if the requests are not completed. *The RRB proposes no changes to the PRC screens or the PIN/Password screens.*

ESTIMATE OF ANNUAL RESPONDENT BURDEN

Form No.	Annual responses	Time (minutes)	Burden (hours)
Request PRC	12,000	5.0	1,000
Establish Pin/Password	16,000	1.5	400

ESTIMATE OF ANNUAL RESPONDENT BURDEN—Continued

Form No.	Annual responses	Time (minutes)	Burden (hours)
Total	28,000		1,400

Additional Information or Comments: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, contact Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov*. Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov*. Written comments should be received within 60 days of this notice.

Brian D. Foster,

Clearance Officer.

[FR Doc. 2021–01627 Filed 1–25–21; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90941; File No. SR–OCC–2021–001]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Update The Options Clearing Corporation's Operational Loss Fee Pursuant to Its Capital Management Policy

January 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2021, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. OCC filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii)[3] of the Act and Rule 19b–4(f)(2)[4] thereunder so that the proposal was effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change by OCC would revise OCC's schedule of fees, effective January 21, 2021, to implement a change in the maximum contingent Operational Loss Fee in accordance with OCC's Capital Management Policy. Proposed changes to OCC's schedule of fees are attached as Exhibit 5 to File Number SR–OCC–2021–001. Material proposed to be added to OCC's schedule of fees as currently in effect is underlined and material proposed to be deleted is marked in strikethrough text. All capitalized terms not defined herein have the same meaning as set forth in the OCC By-Laws and Rules.[5]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

The purpose of this proposed rule change is to revise OCC's schedule of fees, effective January 21, 2021, to update the maximum aggregate Operational Loss Fee that OCC would charge Clearing Members in equal shares in the unlikely event that OCC's shareholders' equity (''Equity'') falls below certain thresholds defined in OCC's Capital Management Policy. The proposed fee change is designed to enable OCC to replenish capital to comply with Rule 17Ad–22(e)(15) under the Exchange Act, which requires OCC, in pertinent part, to ''hold[ ] liquid net assets funded by equity to the greater of either (x) six months . . . current operating expenses, or (y) the amount determined by the board of directors to be sufficient to ensure a recovery or orderly wind-down of critical operations and service''[6] and ''[m]aintain[ ] a viable plan, approved by the board of directors and updated at least annually, for raising additional equity should its equity fall close to or below the amount required [to be held].''[7]

In January 2020, the SEC approved OCC's Capital Management Policy, which includes OCC's replenishment plan.[8] Pursuant to the Capital Management Policy, OCC would charge an Operational Loss Fee in equal shares to Clearing Members to raise additional capital should OCC's Equity fall below certain defined thresholds relative to OCC's Target Capital Requirement (*i.e.,* a ''Trigger Event''), after first applying the unvested balance held in respect of OCC's Executive Deferred Compensation Program.[9] Based on the current Board-approved Target Capital Requirement of $250 million, a Trigger Event would occur if OCC's Equity falls below $225 million at any time or below $250 million for a period of 90 consecutive calendar days.[10]

In the unlikely event those thresholds are breached, OCC would charge an Operational Loss Fee in an amount to raise Equity to 110% of OCC's Target Capital Requirement, up to the maximum Operational Loss Fee identified in OCC's schedule of fees less the amount of any Operational Loss Fees previously charged and not refunded.[11] OCC calculates the maximum aggregate Operational Loss Fee based on the amount determined by the Board of Directors to be sufficient for a recovery or orderly wind-down of critical operations and services (''RWD

[5] OCC's By-Laws and Rules can be found on OCC's public website: *https://www.theocc.com/Company-Information/Documents-and-Archives/By-Laws-and-Rules.*

[6] *See* 17 CFR 240.17Ad–22(e)(15)(ii).

[7] *See* 17 CFR 240.17Ad–22(e)(15)(iii).

[8] *See* Exchange Act Release No. 88029 (Jan. 24, 2020), 85 FR 5500 (Jan. 30, 2020) (File No. SR–OCC–2019–007) (''Order Approving OCC's Capital Management Policy'').

[9] *Id.* at 5503.

[10] OCC's Capital Management Policy defines a ''Trigger Event'' as when OCC's Equity falls below 90% of OCC's Target Capital Requirement (*i.e.,* the amount of Equity determined by OCC's Board to be sufficient for OCC to meet its regulatory obligations and to serve market participants and the public interest) or remains below the Target Capital Requirement for ninety consecutive calendar days. *See id.* at 5510.

[11] *Id.* at 5503.

Amount''),[12] which is determined based on the assumptions in OCC's Recovery and Orderly Wind-Down Plan (''RWD Plan'').[13] In order to account for OCC's tax liability for retaining the Operational Loss Fee as earnings, OCC may apply a tax gross-up to the RWD Amount (''Adjusted RWD Amount'') depending on whether the operational loss that caused OCC's Equity to fall below the Trigger Event thresholds is tax deductible.[14]

The RWD Amount and, in turn, the Adjusted RWD Amount are determined annually based on OCC's corporate budget, the assumptions articulated in the RWD Plan,[15] and OCC's projected effective tax rate.[16] The current Operational Loss Fee listed in OCC's schedule of fees is the Adjusted RWD Amount calculated based on OCC's 2020 corporate budget. Budgeted operating expenses in 2021 are slightly higher than the 2020 budgeted operating expenses. This proposed rule change would revise the maximum Operational Loss Fee to reflect the Adjusted RWD Amount based on OCC's 2021 budget,[17] as follows:

Current fee schedule	Proposed fee schedule
$141,866,667.00 less the aggregate amount of Operational Loss Fees previously charged and not refunded as of the date calculated, divided by the number of Clearing Members at the time charge.	$143,066,667.00 less the aggregate amount of Operational Loss Fees previously charged and not refunded as of the date calculated, divided by the number of Clearing Members at the time charge.

Since the allocation of the Operational Loss Fee is a function of the number of Clearing Members at the time of the charge, the maximum Operational Loss Fee per Clearing Member is subject to fluctuation during the course of the year. However, if the proposed Operational Loss Fee were charged to 107 Clearing Members, the number of Clearing Members as of December 31, 2020 for example, the maximum Operational Loss Fee per Clearing Member would be $1,337,072.

OCC would also update the schedule of fees to reflect the levels of Equity at which OCC would charge the Operational Loss Fee according to the thresholds defined in the Capital Management Policy, as well as the level of Equity at which OCC would limit the Operational Loss Fee charged, based on OCC's current Target Capital Requirement.[18]

(2) Statutory Basis

OCC believes the proposed rule change is consistent with the Act[19] and the rules and regulations thereunder. In particular, OCC believes that the proposed fee change is also consistent with Section 17A(b)(3)(D) of the Act,[20] which requires that the rules of a clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants. OCC believes that the proposed fee change is reasonable because it is based upon the RWD amount and designed to replenish OCC's Equity in the form of liquid net assets in the event that OCC's Equity falls close to or below its Target Capital Requirement so that OCC can continue to meet its obligations as a systemically important financial market utility (''SIFMU'') to Clearing Members and the general public should an operational losses materialize (including through a recovery or orderly wind-down of critical operations and services) and thereby facilitate compliance with Rule 17Ad–22(e)(15)(iii).[21] The maximum Operational Loss Fee is sized to ensure that OCC maintains sufficient liquid net assets to support its RWD Plan and imposes a contingent obligation on Clearing Members that is approximately the same amount as a Clearing Member's contingent obligation for Clearing Fund assessments for a Clearing Member operating at the minimum Clearing Fund deposit.[22] Therefore, OCC believes the proposed maximum Operational Loss Fee sized to OCC's Adjusted RWD Amount is reasonable.

OCC also believes that the proposed Operational Loss Fee would result in an equitable allocation of fees among its participants because it would be equally applicable to all Clearing Members. As the Commission has recognized, OCC's designation as a SIFMU and its role as the sole covered clearing agency for all listed options contracts in the U.S. makes it an integral part of the national system for clearance and settlement, through which ''Clearing Members, their customers, investors, and the markets as a whole derive significant benefit . . . regardless of their specific utilization of that system.''[23] Neither the SEC nor OCC has observed any correlation between measures of Clearing Member utilization or OCC's benefit to Clearing Members[24] and its risk of operational loss.[25] As a result, OCC believes that the proposed change to OCC's fee schedule provides for the equitable allocation of reasonable fees in accordance with Section 17A(b)(3)(D) of the Act.[26]

In addition, OCC believes that the proposed rule change is consistent with Rule 17Ad–22(e)(15)(iii), which requires that OCC establish, implement, maintain and enforce written policies and procedures reasonably designed to identify, monitor, and manage OCC's general business risk, including by

[12] *Id.*

[13] *See* Exchange Act Release No. 83918 (Aug. 23, 2018), 83 FR 44091, 44094 (Aug. 29, 2018) (SR–OCC–2017–021) (''Order Approving OCC's RWD Plan'').

[14] Order Approving OCC's Capital Management Policy, 85 FR at 5503.

[15] The RWD Plan states OCC's basic assumptions concerning the resolution process, including assumptions about the duration of the resolution process, the cost of the resolution process, OCC's capitalization through the resolution process, the maintenance of Critical Services and Critical Support Functions, as defined by the RWD Plan, and the retention of personnel and contractual relationships. *See* Order Approving OCC's RWD Plan, 83 FR at 44094.

[16] *See* Order Approving OCC's Capital Management Policy, 85 FR at 5501 n.20, 5503.

[17] Confidential data and analysis evidencing the calculation of the Adjusted RWD Amount based on OCC's 2021 corporate budget is included in Exhibit 3 to File Number SR–OCC–2021–001.

[18] OCC does not propose any change to the thresholds and limits defined in the Capital Management Policy. This proposed change merely conforms the disclosure in OCC's schedule of fees to the current amounts based on the Board-approved Target Capital Requirement of $250 million.

[19] 15 U.S.C. 78a *et seq.*

[20] 15 U.S.C. 78q–1(b)(3)(D).

[21] 17 CFR 240.17Ad–22(e)(15)(iii).

[22] A Clearing Member operating at the minimum Clearing Fund deposit ($500,000) could be assessed up to an additional $1 million (the minimum deposit, assessed up to two times), for a total contingent obligation of $1.5 million. *See* OCC Rule 1006(h).

[23] *See* Order Approving OCC's Capital Management Policy, 85 FR at 5506.

[24] *Id.* (''The Commission is not aware of evidence demonstrating that those benefits are tied directly or positively correlated to an individual Clearing Member's rate of utilization of OCC's clearance and settlement services.'')

[25] *Id.* (rejecting an objection to the equal allocation of the proposed Operational Loss Fee based on the SEC's regulatory experience and OCC's analyses of Clearing Member utilization (*e.g.,* contract volume) or credit risk (*e.g.,* Clearing Fund size) and the various operational and general business risks that could trigger an Operational Loss Fee). To date, OCC has observed no correlation between Clearing Member utilization or credit risk and OCC's potential risk of operational loss. *See* Confidential Exhibit 3.

[26] 15 U.S.C. 78q–1(b)(3)(D).

maintaining a viable plan, approved by the Board and updated at least annually, for raising additional equity should its equity fall close to or below the amount required under Rule 17Ad–22(e)(15)(ii).[27] While Rule 17Ad–22(e)(15)(iii) does not by its terms specify the amount of additional equity a clearing agency's plan for replenishment capital must be designed to raise, the SEC's adopting release states that ''a viable plan generally should enable the covered clearing agency to hold sufficient liquid net assets to achieve recovery or orderly wind-down.'' [28] OCC sets the maximum Operational Loss Fee at an amount sufficient to raise, on a post-tax basis, the amount determined annually by the Board to be sufficient to ensure recovery or orderly wind-down pursuant to the RWD Plan.[29] Therefore, OCC believes the proposed change to OCC's schedule of fees is consistent with Rule 17Ad–22(e)(15)(iii) and the guidance provided by the SEC in the adopting release.

OCC also believes that the proposed fee change is consistent with Section 19(g)(1) of the Act,[30] which, among other things, requires every self-regulatory organization to comply with its own rules. OCC filed its Capital Management Policy as a ''proposed rule change'' within the meaning of Section 19(b) of the Act,[31] and Rule 19b–4 under the Act.[32] The Capital Management Policy specifies that the maximum Operational Loss Fee shall be the Adjusted RWD Amount.[33] Because the Adjusted RWD Amount will change annually based, in part, on OCC's corporate budget, fee filings are necessary to ensure that the maximum Operational Loss Fee in OCC's schedule of fees remains consistent with the amount identified in the Capital Management Policy. In addition, the amounts associated with the thresholds at which OCC would charge the Operational Loss Fee and the limit to the amount would change in accordance with the Capital Management Policy are determined based upon the level at which the Board sets OCC's Target Capital Requirement. Consequently, OCC seeks to amend the amounts identified in the schedule of fees to reflect OCC's current Target Capital Requirement. Therefore, OCC believes that the proposed change to OCC's fee schedule is consistent with Section 19(g)(1) of the Act.

The proposed rule change is not inconsistent with the existing rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act [34] requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. OCC does not believe that the proposed rule change would have any impact or impose a burden on competition. Although the proposed Operational Loss Fee affects Clearing Members, their customers, and the markets that OCC serves, OCC believes that the proposed increase in the Operational Loss Fee would not disadvantage or favor any particular user of OCC's services in relationship to another user because the proposed Operational Loss Fee would apply equally to all Clearing Members. In addition, OCC does not believe that the proposed Operational Loss Fee imposes a significant burden on smaller firms because the maximum Operational Loss Fee imposes a contingent obligation on Clearing Members that is approximately the same amount as a Clearing Member's contingent obligation for Clearing Fund assessments for a Clearing Member operating at the minimum Clearing Fund deposit.[35] Accordingly, OCC does not believe that the proposed rule change would have any impact or impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Pursuant to Section 19(b)(3)(A)(ii) [36] of the Act, and Rule 19b–4(f)(2) thereunder,[37] the proposed rule change is filed for immediate effectiveness as it constitutes a change in fees charged to OCC Clearing Members. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.[38]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2021–001 on the subject line.

Paper Comments

- Send paper comments in triplicate to Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2021–001. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

[27] 17 CFR 240.17Ad–22(e)(15)(iii).

[28] Standards for Covered Clearing Agencies, Exchange Act Release No. 78961 (Sept. 28, 2016), 81 FR 70786, 70836 (Oct. 13, 2016) (File No. S7–03–14).

[29] *See* Order Approving OCC's Capital Management Policy, 85 FR at 5510 (''The Operational Loss Fee would be sized to the Adjusted RWD Amount, and therefore would be designed to provide OCC with at least enough capital either to continue as a going concern or to wind-down in an orderly fashion.'')

[30] 15 U.S.C. 78s(g)(1).

[31] 15 U.S.C. 78s(b).

[32] 17 CFR 240.19b–4.

[33] Order Approving OCC's Capital Management Policy, 85 FR at 5503.

[34] 15 U.S.C. 78q–1(b)(3)(I).

[35] *See* note 22, *supra.*

[36] 15 U.S.C. 78s(b)(3)(A)(ii).

[37] 17 CFR 240.19b–4(f)(2).

[38] Notwithstanding its immediate effectiveness, implementation of this rule change will be delayed until this change is deemed certified under CFTC Regulation 40.6.

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of OCC and on OCC's website at *https://www.theocc.com/about/publications/bylaws.jsp*.

All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–OCC–2021–001 and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[39]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01582 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–316, OMB Control No. 3235–0359]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form N–17f–1

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Form N–17f–1 (17 CFR 274.219) is entitled ''Certificate of Accounting of Securities and Similar Investments of a Management Investment Company in the Custody of Members of National Securities Exchanges.'' The form serves as a cover sheet to the accountant's certificate that is required to be filed periodically with the Commission pursuant to rule 17f–1 (17 CFR 270.17f–1) under the Act, entitled ''Custody of Securities with Members of National Securities Exchanges,'' which sets forth the conditions under which a fund may place its assets in the custody of a member of a national securities exchange. Rule 17f–1 requires, among other things, that an independent public accountant verify the fund's assets at the end of every annual and semi-annual fiscal period, and at least one other time during the fiscal year as chosen by the independent accountant. Requiring an independent accountant to examine the fund's assets in the custody of a member of a national securities exchange assists Commission staff in its inspection program and helps to ensure that the fund assets are subject to proper auditing procedures. The accountant's certificate stating that it has made an examination, and describing the nature and the extent of the examination, must be attached to Form N–17f–1 and filed with the Commission promptly after each examination. The form facilitates the filing of the accountant's certificates, and increases the accessibility of the certificates to both Commission staff and interested investors.

Commission staff estimates that it takes: (i) 1 hour of clerical time to prepare and file Form N–17f–1; and (ii) 0.5 hour for the fund's chief compliance officer to review Form N–17f–1 prior to filing with the Commission, for a total of 1.5 hours. Each fund is required to make 3 filings annually, for a total annual burden per fund of approximately 4.5 hours.[1] Commission staff estimates that an average of 6 funds currently file Form N–17f–1 with the Commission 3 times each year, for a total of 18 responses annually.[2] The total annual hour burden for Form N–17f–1 is therefore estimated to be approximately 27 hours.[3]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. Compliance with the collections of information required by Form N–17f–1 is mandatory for funds that place their assets in the custody of a national securities exchange member. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Dated: January 21, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01665 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90944; File No. SR–CboeBZX–2021–011]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Monthly Fee Assessed on Members' MPIDs

January 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on January 13, 2021, Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit

[39] 17 CFR 200.30–3(a)(12).

[1] This estimate is based on the following calculation: (1.5 hours × 3 responses annually = 4.5 hours).

[2] This estimate is based on a review of Form N–17f–1 filings made with the Commission over the last three years.

[3] This estimate is based on the following calculations: (4.5 hours × 6 funds = 27 total hours).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the ''Exchange'' or ''BZX Equities'') proposes to amend its fee schedule to establish a fee in connection with a Member's Market Participant Identifier(s) (''MPID''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to adopt a monthly fee assessed on Members' MPIDs.[3]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[4] no single registered equities exchange has more than 16% of consolidated equity market share and currently the Exchange represents approximately 1.5% of the U.S. equities market. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange further notes that broker-dealers are not compelled to be Members of the Exchange, and a significant proportion of broker-dealers that trade U.S. equity securities have, in fact, chosen not to apply for membership on the Exchange.

By way of background, an MPID is a four-character unique identifier that is approved by the Exchange and assigned to a Member for use on the Exchange to identify the Member firm on the orders sent to the Exchange and resulting executions. Members may choose to request more than one MPID as a unique identifier(s) for their transactions on the Exchange. The Exchange notes that a Member may have multiple MPIDs for use by separate business units and trading desks or to support Sponsored Participant[5] access. Certain members currently leverage multiple MPIDs to obtain benefits from and added value in their participation on the Exchange. Multiple MPIDs provide unique benefits to and efficiencies for Members by allowing: (1) Members to manage their trading activity more efficiently by assigning different MPIDs to different trading desks and/or strategies within the firm; and (2) Sponsoring Members[6] to segregate Sponsored Participants by MPID to allow for detailed client-level reporting, billing, and administration, and to market the ability to use separate MPIDs to Sponsored Participants, which, in turn, may serve as a potential incentive for increased order flow traded through the Sponsoring Member.

The Exchange proposes to adopt a fee applicable to Members that use multiple MPIDs to facilitate their trading on the Exchange. Specifically, as proposed, the Exchange would assess a monthly MPID Fee of $350 per MPID per Member, with a Member's first MPID provided free of charge. The Exchange believes the proposed assessment of an MPID Fee aligns with the additional value and benefits provided to Members that choose to utilize more than one MPID to facilitate their trading on the Exchange. The Exchange also believes that assessing a fee on additional MPIDs will be beneficial because such fee will promote efficiency in MPID use.

The MPID Fee will be assessed on a pro-rated basis for new MPIDs by charging a Member based on the trading day in the month during which an additional MPID becomes effective for use. If a Member cancels an additional MPID on or after the first business day of the month, the Member will be required to pay the entire MPID Fee for that month. The Exchange believes that this practice is appropriate to balance the administrative costs associated with disabling MPIDs.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed MPID Fee is consistent with the Act in that it is reasonable,

[3] The Exchange initially filed the proposed fee changes January 4, 2021 (SR–CboeBZX–2021–006). On January 13, 2021, the Exchange withdrew that filing and submitted this proposal.

[4] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (December 18, 2020), available at *https://markets.cboe.com/us/equities/market_statistics/*.

[5] A Sponsored Participant is a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3, which permits a Sponsored Participant to obtain authorized access to the System only if such access is authorized in advance by one or more Sponsoring Members. *See* Rules 1.5(x) and 11.3.

[6] A Sponsoring Member is a Member that is a registered broker-dealer and that has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm. *See* Rule 1.5(y).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

equitable, and not unfairly discriminatory. In particular, the Exchange believes that the proposed fee is reasonable because it is reasonably aligned with the benefits provided to Members that choose to utilize multiple MPIDs to facilitate their trading on the Exchange. While each Member must have an MPID to participate on the Exchange, additional MPIDs are optional and will be assessed the proposed fee. Additional MPIDs currently allow for Members to realize certain benefits from and added value to their participation on the Exchange but also require the Exchange to allocate additional administrative resources to manage each MPID that a Member chooses to use for its trading activity. Therefore, the Exchange believes that it is reasonable to assess a modest fee on any additional MPIDs that Members choose to use to facilitate their trading. The Exchange again notes that it is optional for a Member to request and employ additional MPIDs, and a large portion (approximately 46%) of the Exchange's Members currently utilize just the one MPID necessary to participate on the Exchange.

The Exchange also believes that assessing a modest fee on additional MPIDs is reasonably designed to promote efficiency in MPID use. The Exchange notes that its affiliated equities exchanges, Cboe EDGX Exchange, Inc. (''EDGX'') and Cboe EDGA Exchange, Inc. (''EDGA''), had previously implemented an MPID Fee,[9] and observed that, as a result of an MPID Fee, members were incentivized to more effectively administer their MPIDs and reduce the number of under-used or superfluous MPIDs, or MPIDs that did not contribute additional value to a member's participation on the exchange. Reduction of such MPIDs, in turn, reduces exchange resources allocated to administration and maintenance of those MPIDs. In particular, it was observed that within the first few months of introducing the previous MPID Fee on the Exchange's affiliated exchanges, the number of MPIDs on EDGX and EDGA each decreased by approximately 17%, demonstrating that Members may choose to be more efficient in their use of MPIDs in response to an MPID Fee, such as that proposed in this fee change.[10]

The Exchange further believes the proposed MPID Fee is reasonable because the amount assessed is less than the analogous fees charged by at least one other market; namely, Nasdaq Stock Market LLC (''Nasdaq'').[11] The Exchange's proposed MPID Fee at $350 a month per MPID, with no charge associated with a Members' first MPID, is lower than Nasdaq's MPID fee of $550 per MPID, which is charged for all MPIDs used by a Nasdaq member, including a member's first MPIDs. Additionally, the Exchange believes that charging a full-month's fee for an additional MPID cancelled on or after the first business day of the month is reasonable in that it reasonably accounts for the administrative costs associated with disabling such MPIDs, and is a practice consistent with Nasdaq's similar cancellation policy in connection with its MPID fees.[12]

The Exchange believes that the proposed MPID Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that choose to employ two or more MPIDs based on the number of additional MPIDs that they use to facilitate their trading on the Exchange. As stated, additional MPIDs beyond a Member's first MPID are optional, and Members may choose to trade using such additional MPIDs to achieve additional benefits and added value to support their individual business needs. Moreover, the Exchange believes the proposed fee is equitable and not unfairly discriminatory because it is proportional to the potential value or benefit received by Members with a greater number of MPIDs. That is, those Members that choose to employ a greater number of additional MPIDs have the opportunity to more effectively manage firm-wide trading activity and client-level administration, as well as potentially appeal to customers through the use of separate MPIDs, which may result in increased order flow through a Sponsoring Member. A Member may request at any time that the Exchange terminate an MPID, including MPIDs that may be under-used or superfluous, or that do not contribute additional value to a Member's participation on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed MPID Fee will apply equally to all Members that choose to employ additional MPIDs and equally to each additional MPID. As stated, additional MPIDs are optional and Members may choose to utilize additional MPIDs, or not, based on their view of the additional benefits and added value provided by utilizing the single MPID necessary to participate on the Exchange. The Exchange believes the proposed fee will be assessed proportionately to the potential value or benefit received by Members with a greater number of MPIDs and notes that a Member may request at any time that the Exchange terminate any MPID, including those that may be under-used or superfluous, or that do not contribute additional value to a Member's participation on the Exchange.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Members have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, including over 50 alternative trading systems.[13] The Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% market share.[14] Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable.[15] In addition to this the Exchange notes that at least one other exchange currently has MPID fees in place,[16] which have been previously filed with the Commission. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation

[9] *See* Securities and Exchange Release Nos. 65189 (August 24, 2011), 76 FR 53990 (August 30, 2011) (SR–EDGX–2011–26); and 65188 (August 24, 2011), 76 FR 53988 (August 30, 2011) (SR–EDGA–2011–27). The Exchange notes that its affiliated exchanges' prior MPID Fees expired as a result of the integration with BATS technology, acquired by Cboe Global Markets, Inc. in 2017.

[10] The reduction in MPIDs may also demonstrate that Members are free to cancel MPIDs on the Exchange and choose, instead, to utilize unique identifiers associated with participation on other exchanges.

[11] *See* Nasdaq Price List, MPID Fees, available at *http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2.*

[12] *See id.*

[13] *See* U.S. Securities and Exchange Commission Alternative Trading Systems (''ATS'') List (December 4, 2020), available at *https://www.sec.gov/foia/docs/atslist.htm.*

[14] *See supra* note 4.

[15] *See e.g., supra* note 10.

[16] *See supra* note 11.

NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers' . . . .''. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act [17] and subparagraph (f)(2) of Rule 19b–4 thereunder,[18] because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act [19] to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–CboeBZX–2021–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–CboeBZX–2021–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CboeBZX–2021–011, and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01584 Filed 1–25–21; 8:45 am]

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[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90946; File No. SR–BOX–2021–01]

Self-Regulatory Organizations; BOX Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule on the BOX Options Market LLC Facility

January 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 4, 2021, BOX Exchange LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposed rule change pursuant to Section 19(b)(3)(A)(ii) of the Act,[3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange is filing with the Securities and Exchange Commission (''Commission'') a proposed rule change to amend the Fee Schedule on the BOX Options Market LLC (''BOX'') facility. The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxexchange.com.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule for trading on BOX. First, the Exchange proposes to revise certain qualification thresholds and fees in Section I.B. of the BOX Fee Schedule. Specifically, the Exchange proposes to eliminate Tiers 2 and 3 of the Primary Improvement Order fee structure. The Exchange then proposes to amend the percentage threshold for Tier 1 from 0.000%–0.049% to 0.000% to 0.449%. The Exchange also proposes to decrease the fee for Tier 1 from $0.25 to $0.05. The Exchange next proposes to change current Tier 4 to new Tier 2. The percentage threshold and fee for proposed Tier 2 will remain unchanged.

Next, the Exchange proposes to eliminate Section III [5] (Liquidity Fees and Credits) from the Fee Schedule and establish Break-Up Credits in (1) Section I.B (PIP and COPIP Transactions); (2) Section I.C (Facilitation and Solicitation Transactions); and (3) Section I.C.2 (Strategy Order Facilitation and Solicitation Transactions). The Exchange is redistributing the fees and rebates outlined in Section III to the appropriate places within the respective fee structures in the BOX Fee Schedule. The Exchange believes the proposed changes will make the Fee Schedule easier to navigate and will reduce investor confusion.

PIP and COPIP Transactions

Currently, under Section III.A, a Public Customer PIP or COPIP Order receives the ''removal'' credit ($0.34 for Penny Interval Classes and $0.81 for Non-Penny Interval Classes), while the corresponding Primary Improvement Order and any Improvement Orders are charged the ''add'' fee ($0.34 for Penny Interval Classes and $0.81 for Non-Penny Interval Classes). First, the Exchange proposes to amend PIP and COPIP Improvement Order fees within Section 1.B to include the liquidity ''add'' fees that are being deleted in Section III. As such, the Exchange proposes to increase Public Customer Improvement Orders fees in Penny Interval Classes to $0.49 from $0.15 and in Non-Penny Interval Classes to $0.96 from $015.[6] Next, the Exchange proposes to no longer assess the corresponding Primary Improvement Order to PIP and COPIP Orders the ''add'' fee of $0.34 for Penny Interval Classes or $0.81 for Non-Penny Interval Classes. The Exchange notes that this is similar to how the Exchange currently assesses SPY PIP and COPIP fees and credits on BOX.[7] The Exchange believes this proposed change will result in increased order flow to BOX's PIP and COPIP mechanisms. Further, the Exchange proposes to increase Public Customer SPY Improvement Order fees to $0.50 from $0.05.[8]

The Exchange next proposes to increase Professional Customer, Broker Dealer and Market Maker Improvement Order fees. Currently, if a Non-Public Customer PIP or COPIP Order does not trade with its Primary Improvement Order, the Primary Improvement Order shall receive the ''removal'' credit ($0.34 for Penny Interval Classes or $0.81 for Non-Penny Interval Classes) and any corresponding Improvement Order responses will be charged the ''add'' fee ($0.34 for Penny Interval Classes or $0.81 for Non-Penny Interval Classes). Similar to the changes discussed above, the Exchange now proposes to increase Non-Public Customer Improvement Order fees in Penny Interval Classes to $0.50 from $0.16 and to $1.15 from $0.34 in Non-Penny Interval Classes. Further, the Exchange proposes to increase non-Public Customer SPY Improvement Orders to $0.50 from $0.05.[9]

Next, the Exchange proposes to establish PIP and COPIP Break-Up Credits in Section I.B. First, the Exchange proposes to establish PIP and COPIP Break-Up Credits of $0.34 for Penny Interval Classes and $0.81 for Non-Penny Interval Classes for Public Customer PIP and COPIP Transactions. The Exchange notes that this is how the Exchange currently assesses the $0.34 or $0.81 ''removal'' credits for Public Customer PIP and COPIP Orders executed through the PIP and COPIP mechanisms detailed in BOX's current Fee Schedule. The Exchange is simply seeking to relocate the credits into the PIP and COPIP fee structure. Next, the Exchange proposes to establish a SPY Break-Up Credit of $0.45 for Public Customer SPY PIP and COPIP Orders submitted to the PIP or COPIP mechanisms. As discussed herein, the same $0.45 ''removal'' credit is assessed for these Public Customer SPY PIP and COPIP transactions under Section III in BOX's current Fee Schedule. Further, the Exchange proposes to add text which details that the Public Customer SPY PIP or COPIP Order submitted to the PIP and COPIP mechanisms that do not trade with their Primary Improvement Order shall receive the Break-Up Credit. The Exchange again notes that this is how the ''removal'' credit is currently assessed for these transactions under Section III.A in BOX's current Fee Schedule.

Next, the Exchange proposes to establish PIP and COPIP Break-Up Credits of $0.34 for Penny Interval Classes and $0.81 for Non-Penny Interval Classes for Professional Customer, Broker Dealer, and Market Maker PIP and COPIP Transactions. The Exchange also proposes to add text which details who receives the Break-Up Credit for these orders. Specifically, if a Non-Public Customer PIP or COPIP Order does not trade with its Primary Improvement Order, the Primary Improvement Order shall receive the Break-Up Credit of $0.34 for Penny Interval Classes or $0.81 for Non-Penny Interval Classes. The Exchange notes that this is how the ''removal'' credit is assessed for these transactions in BOX's current Fee Schedule. The Exchange simply seeks to relocate the credit for these transactions into the PIP and COPIP fee structure.

Next, the Exchange proposes to establish a SPY Break-Up Credit of $0.45 for Non-Public Customer SPY PIP and COPIP Orders submitted to the PIP or COPIP mechanisms. The Exchange also proposes to add text which details who receives the Break-Up Credit for these orders. Specifically, SPY PIP and COPIP Orders submitted to the PIP and COPIP mechanisms that do not trade with their Primary Improvement Order shall receive the $0.45 Break-Up Credit. The Exchange notes that this is how the ''removal'' credit is assessed for these transactions in BOX's current Fee

[5] The Exchange notes Section III.C.1 is being relocated as discussed in further detail below.

[6] The Exchange is including the $0.34 ''add'' fee into the Improvement Order fee detailed in the PIP and COPIP fee structure. The Exchange notes that under this proposal, there is no change to the fees currently assessed for this transaction

[7] *See* Securities Exchange Act Release No. 89622 (August 20, 2020), 85 FR 52654 (August 26, 2020) (SR–BOX–2020–34).

[8] Currently, under Section III, Improvement Orders to the SPY PIP and COPIP Orders are charged the ''add'' fee of $0.45. The Exchange is including this ''add'' fee into the Improvement Order fee detailed in the PIP and COPIP Fee Structure.

[9] Currently, under Section III, Improvement Orders to the SPY PIP and COPIP Orders are charged the ''add'' fee of $0.45. The Exchange is including this ''add'' fee into the Improvement Order fee detailed in the PIP and COPIP Fee Structure.

Schedule. The Exchange simply seeks to relocate the credit for these transactions into the PIP and COPIP fee structure.

Lastly, the Exchange proposes to relocate and revise the Fee Schedule language regarding PIP and COPIP Orders executing against Unrelated Orders.[10] Specifically, the Exchange proposes to clarify that each PIP Order or COPIP Order that executes against an Unrelated Order on the BOX Book shall be treated as a Non-Auction Transaction.

Facilitation and Solicitation Transactions

Currently, under Section III.B of the BOX Fee Schedule, Agency Orders submitted to the Facilitation and Solicitation mechanisms that do not trade with their contra order receive the ''removal'' credit ($0.25 for Penny Interval Classes and $0.75 for Non-Penny Interval Classes). Responses to Facilitation and Solicitation Orders executed in these mechanisms are charged the ''add'' fee ($0.25 for Penny Interval Classes and $0.75 for Non-Penny Interval Classes). First, the Exchange proposes to increase the Response Fees (within Section 1.C) in the Facilitation and Solicitation mechanisms for all account types to $0.50 from $0.25 for Penny Interval Classes and to $1.15 from $0.40 for Non-Penny Interval Classes.[11] Next, the Exchange proposes to establish Facilitation and Solicitation Break-Up Credits in the Facilitation and Solicitation Transaction fee structure. Next, the Exchange proposes to establish a $0.25 Break-Up Credit for Penny Interval Classes and $0.75 Break-Up Credit for Non-Penny Interval Classes for all account types. The Exchange also proposes to add text which details who receives the Break-Up Credit for these orders. Specifically, Agency Orders submitted to the Facilitation and Solicitation mechanisms that do not trade with their contra order shall receive the Break-Up Credit. The Exchange notes that this is how the ''removal'' credit is currently assessed for these transactions in Section III of BOX's current Fee Schedule. The Exchange simply seeks to relocate the credit for these transactions into the Facilitation and Solicitation fee structure.

Next, the Exchange proposes to amend Section I.C.2 (Strategy Order Facilitation and Solicitation Transactions). Currently, Strategy Order Facilitation and Solicitation Transactions in Section I.C.2 are exempt from the liquidity fees and credits detailed Section III.B of the Fee Schedule. The Exchange now proposes to remove the exemption and assess these transactions fees and credits similar to those detailed in current Section III.B. Specifically, the Exchange proposes to increase Response fees in the Facilitation and Solicitation mechanisms to $0.50 from $0.25 for Penny Interval Classes and to $1.15 from $0.40 for Non-Penny Interval Classes. The Exchange believes the proposed change is reasonable as identical fees exist for regular Facilitation or Solicitation transactions on BOX.

Next, the Exchange proposes to establish Strategy Order Facilitation and Solicitation Break-Up Credits in the fee structure detailed in Section I.C.2 of the BOX Fee Schedule. Specifically, the Exchange proposes to establish a $0.25 Break-Up Credit for Penny Interval Classes and $0.75 Break-Up Credit for Non-Penny Interval Classes for all account types. The Exchange also proposes to add text which details who receives the Break-Up Credit for these orders. Specifically, Agency Orders submitted to the Facilitation and Solicitation mechanisms that do not trade with their contra order shall receive the Break-Up Credit. The Exchange notes that this is how the ''removal'' credit is currently assessed for regular Facilitation and Solicitation transactions in Section III of BOX's current Fee Schedule. The Exchange believes that mirroring the fees and credits in place for regular Facilitation and Solicitation transactions is reasonable and appropriate.

Finally, the Exchange proposes to relocate Section III.C.1., which details transactions which occur on the opening or re-opening, to Section I.A.2. of the Fee Schedule. The Exchange also proposes to make a number of non-substantive changes to the Fee Schedule which include renumbering Sections and eliminating obsolete text due to the proposed changes discussed herein.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act, in general, and Section 6(b)(4) and 6(b)(5)of the Act,[12] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among BOX Participants and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

First, the Exchange believes that the proposed changes in Section I.B.1 (Primary Improvement Orders) of the BOX Fee Schedule are reasonable, equitable and non-discriminatory. The proposed changes to the thresholds are equitable and not unfairly discriminatory as they are available to all BOX Participants that initiate Auction Transactions, and Participants may choose whether or not to take advantage of the percentage thresholds and their applicable discounted fees. Further, the Exchange believes that the change to the threshold in proposed Tier 1 is reasonable and competitive as it is intended to allow more Participants to qualify for the discounted fee, which the Exchange believes will incentivize Participants to direct order flow to the Exchange, in turn benefiting all market participants on the Exchange. Further, the Exchange believes that the proposed change to decrease the fee assessed in Tier 1 from $0.25 to $0.05 is reasonable and appropriate, as this tiered fee schedule is in place to provide incentives to BOX Participants to submit their Public Customer Orders into the PIP for potential price improvement. This reduced fee, combined with the amended percentage thresholds discussed above, are meant to incentivize more Participant to submit Price Improvement Orders to the Exchange, which the Exchange believes will further incentivize Participants to direct order flow to the Exchange, in turn benefiting all market participants on the Exchange.

PIP and COPIP Transactions

The Exchange believes the proposed changes to the fee structure detailed in Section I.B. are reasonable, equitable and not unfairly discriminatory. The Exchange believes the proposed fee changes to Improvement Orders in the PIP and COPIP Transaction fee structure are reasonable as they reflect the current fees charged for these transactions on the Exchange. As noted herein, the Exchange simply seeks to relocate the liquidity fees detailed in Section III to be included in the PIP and COPIP Improvement Order fees in the PIP and COPIP Transaction fee structure. The Exchange believes that the proposed change will increase overall readability of the BOX Fee Schedule and reduce

[10] For the PIP, an Unrelated Order is a non-Improvement Order entered into the BOX market during a PIP. For the COPIP, an Unrelated Order is a non-Improvement Order entered on BOX during a COPIP or BOX Book Interest during a COPIP.

[11] Similar to the proposed changes in the PIP and COPIP section, the Exchange is including the $0.25 and $0.75 ''add'' fees into the Responses Order fees detailed in the Facilitation and Solicitation Transaction fee structure in Section I.C. The Exchange notes that under this proposal, there is no change to the fees currently assessed for these transactions.

[12] 15 U.S.C. 78f(b)(4) and (5).

investor confusion. Further, the Exchange believes it is reasonable to no longer assess the ''add'' fee of $0.34 for Penny Interval Classes or $0.81 for Non-Penny Interval Classes for corresponding Primary Improvement Order to Public Customer PIP and COPIP Orders. The Exchange notes that this is similar to how the Exchange currently assesses SPY PIP and COPIP fees and credits on BOX.[13] The Exchange believes that mirroring the current structure in place for SPY PIP and COPIP fees and credits is reasonable as the Exchange believes that the proposed change will incentivize Participants to submit Public Customer order flow through the PIP and COPIP auction mechanisms thereby benefitting all market participants through promoting market depth, facilitating tighter spreads and enhancing price discovery. Further, the Exchange believes that the proposed change is equitable and not unfairly discriminatory as the change applies to all Participants, regardless of account type.

Under this proposal and as discussed above, the corresponding Primary Improvement Orders to Public Customer PIP and COPIP Orders will no longer be assessed the $0.34 ''add'' fee for Penny Interval Classes and $0.81 for Non-Penny Interval Classes; however, Improvement Orders will continue to be charged the $0.34 ''add'' fee for Penny Interval Classes and $0.81 ''add'' fee for Non-Penny Interval Classes. The Exchange believes it is reasonable, equitable and not unfairly discriminatory to charge higher exchange fees for responders in the PIP and COPIP mechanisms than for initiators of these orders and the contra orders. The Exchange believes it is reasonable when compared to a similar practice for fees at a competing venue.[14] For example, at Nasdaq ISE the fee for both the initiating and contra order for PIM Orders [15] is $0.10 for Select Symbols [16] for all account types except Priority Customers who are charged no fees. Responses to these orders are charged $0.50 for Select Symbols regardless of account type. The Exchange also notes that a differential of fees between initiators and responders currently exists in the Facilitation and Solicitation auction mechanisms and for SPY PIP and COPIP Orders on BOX. Further, the Exchange continues to believe that the proposed differential is reasonable because responders to PIP and COPIP Orders are willing to pay a higher fee for liquidity discovery. Responders to PIP and COPIP Orders are given the opportunity to interact with customer order flow which, in turn, allows for the opportunity for increased executions on the Exchange thus benefitting all market participants. The Exchange also believes it is reasonable and appropriate to charge initiators of PIP and COPIP Orders less than responders because initiators bring liquidity to the Exchange which, in turn, results in increased opportunity for more executions on BOX. As such, the Exchange believes the differential is reasonable and appropriate.

The Exchange also believes the proposed change to establish PIP and COPIP Break-Up Credits is reasonable, equitable, and not unfairly discriminatory. The Exchange again notes that these credits are already assessed in current Section III of the BOX Fee Schedule. The Exchange simply seeks to relocate the credits to the appropriate fee structure in order to increase overall readability and reduce investor confusion. As such, the Exchange believes the proposed change is reasonable, equitable and not unfairly discriminatory.

Facilitation and Solicitation Transactions

The Exchange believes the proposed changes to the fee structure detailed in Section I.C. are reasonable, equitable and not unfairly discriminatory. The Exchange believes the proposed fee changes to Responses in the Facilitation and Solicitation Mechanisms are reasonable as they reflect the current fees charged for these transactions on the Exchange. As noted herein, the Exchange seeks to relocate the liquidity fees detailed in Section III to be included in the Facilitation and Solicitation Transaction fee structure. The Exchange believes that the proposed change will increase overall readability of the BOX Fee Schedule and reduce investor confusion.

The Exchange also believes the proposed change to establish Facilitation and Solicitation Break-Up Credits is reasonable, equitable, and not unfairly discriminatory. The Exchange again notes that these credits are already assessed in current Section III of the BOX Fee Schedule. The Exchange seeks to relocate the credits to the appropriate fee structure in order to increase overall readability and reduce investor confusion. As such, the Exchange believes the proposed change is reasonable, equitable and not unfairly discriminatory.

The Exchange believes the proposed changes to the fee structure detailed in Section I.C.2 are reasonable, equitable and not unfairly discriminatory. First, the Exchange believes that increasing the Response fees for Strategy Facilitation and Solicitation Orders in Penny and Non-Penny Interval Classes is reasonable as, under this proposal, identical fees will exist for regular order Responses in the Facilitation and Solicitation auction mechanisms as detailed in proposed Section I.C. The Exchange believes that mirroring these fees is appropriate as both regular orders and Strategy Orders are submitted through the same Facilitation or Solicitation mechanism. As such, the Exchange believes the proposed change is reasonable and appropriate as it will streamline the fees assessed for all Responses submitted through the Facilitation and Solicitation auction mechanisms and thereby reduce investor confusion with respect to how much Responses are charged in these mechanisms. Further, the Exchange believes that the fees are reasonable and competitive when compared to similar fees at competing venues.[17] Lastly, the Exchange believes that the proposed change is equitable and not-unfairly discriminatory as it applies to all categories of Participants and across all account types.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to charge higher exchange fees for responders in the Strategy Order Facilitation and Solicitation mechanisms than for initiators of these orders and the contra orders. The Exchange believes it is reasonable when compared to a similar practice for fees at a competing venue.[18] For example, at Nasdaq ISE the fee for both the initiating and contra order for Crossing Orders [19] (except PIM Orders which are assessed different fees under Nasdaq ISE's fee schedule) is $0.20 for Select and Non-Select Symbols for all

[13] *See supra* note 7.

[14] *See* Nasdaq ISE LLC (''Nasdaq ISE'') Pricing Schedule Section 3. (Regular Order Fees and Rebates).

[15] On Nasdaq ISE, a PIM Order is an order entered into the Price Improvement Mechanism (''PIM''). This is similar to BOX's PIP and COPIP mechanism.

[16] ''Select Symbols'' and ''Non-Select Symbols'' referred to in the Nasdaq ISE Fee Schedule are identical to ''Penny Interval Classes'' and ''Non-Penny Interval Classes'' on BOX.

[17] *See* Nasdaq ISE LLC (''Nasdaq ISE'') Pricing Schedule Section 3. (Regular Order Fees and Rebates). Under the ISE Fee Schedule, a Responder to a Facilitation or Solicitation Order will pay $0.50 in Penny Interval Classes and $1.10 for Non-Penny Interval Classes. The Exchange notes that Nasdaq ISE does not offer Strategy Order Facilitation and Solicitation transactions on their exchange.

[18] *Id.*

[19] On Nasdaq ISE, a Crossing Order is an order executed in the Exchange's Facilitation Mechanism, Solicited Order Mechanism, Price Improvement Mechanism or submitted as a Qualified Contingent Cross order.

account types except Priority Customers who are charged no fees. Responses to these orders are charged $0.50 for Select Symbols and $1.10 for Non-Select Symbols regardless of account type. The Exchange notes that a differential of fees between initiators and responders currently exists in the Facilitation and Solicitation auction mechanisms which, as discussed above, are the same mechanisms that the Strategy Order Facilitation and Solicitation transactions are submitted. Further, the Exchange continues to believe that the proposed differential is reasonable because responders to Strategy Order Facilitation and Solicitation orders are willing to pay a higher fee for liquidity discovery. Responders to these orders are given the opportunity to interact with customer order flow which, in turn, allows for the opportunity for increased executions on the Exchange thus benefitting all market participants. The Exchange also believes it is reasonable and appropriate to charge initiators of Strategy Order Facilitation and Solicitation Orders less than responders because initiators bring liquidity to the Exchange which, in turn, results in increased opportunity for more executions on BOX. As such, the Exchange believes the differential is reasonable and appropriate.

The Exchange believes the proposed Strategy Order Facilitation and Solicitation Break-Up Credits are reasonable, equitable, and not unfairly discriminatory. Currently, in the Facilitation and Solicitation auction mechanisms, the Agency Order is a block sized order typically composed of Public Customer orders and represented by an Order Flow Provider who then guarantees the execution by submitting a matching Facilitation and Solicitation Order. Responders in the Facilitation and Solicitation auction mechanisms are always non-Public Customers and more typically are Market Makers. The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to give the Agency Orders the proposed Break-Up Credit when their orders execute against a non-Public Customer because the Exchange seeks to attract additional Public Customer order flow which may ultimately benefit all Participants trading on the Exchange. Further, the Exchange notes that the same behavior currently exists for regular orders submitted through the Facilitation and Solicitation auction mechanisms. As such, the Exchange believes the proposed Break-Up Credits for Strategy Order Facilitation and Solicitation Orders is reasonable and appropriate. Further, the Exchange believes the proposed change is equitable and not unfairly discriminatory as it will apply to all Participants, regardless of account type.

Finally, the Exchange believes that the proposed non-substantive changes to the Fee Schedule to reflect the changes discussed herein are reasonable, equitable, and not unfairly discriminatory as the changes will increase readability and reduce investor confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange believes the proposed changes to the Primary Improvement Order fees will not impose a burden on competition among various Exchange Participants. The Exchange is simply proposing to amend certain percentage thresholds and fees for Primary Improvement Orders in the BOX Fee Schedule. The Exchange believes that the proposed changes increase intermarket and intramarket competition by incenting Participants to direct their order flow to the Exchange, which benefits all Participants by providing more trading opportunities and improves competition on the Exchange.

The Exchange does not believe the proposed changes to the PIP and COPIP Transactions fee structure will burden competition by creating such a disparity between the fees an initiating Participant in the PIP and COPIP auction pay and the fees a competitive responder pays that would result in certain Participants being unable to compete with initiators. In fact, the Exchange believes that these changes will not impair these Participants from adding liquidity and competing in PIP and COPIP auction transactions. The Exchange believes it will help promote competition by providing incentives for market participants to submit customer order flow to BOX and thus, create a greater opportunity for customers to receive additional price improvement and access greater liquidity. Further, as discussed above, the Exchange is simply seeking to relocate certain fees and credits already applied to these transactions on BOX. As such, the Exchange does not believe the proposed changes to Section I.B. of the BOX Fee Schedule will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Similarly, the Exchange does not believe the proposed changes to the Facilitation and Solicitation Transactions fee structure will burden competition by creating such a disparity between the fees an initiating Participant in the Facilitation and Solicitation auction pay and the fees a competitive responder pays that would result in certain Participants being unable to compete with initiators. In fact, the Exchange believes that these changes will not impair these Participants from adding liquidity and competing in Facilitation and Solicitation auction transactions and will help promote competition by providing incentives for market participants to submit customer order flow to BOX and thus, create a greater opportunity for customers to receive additional price improvement. Further, as discussed above, the Exchange is simply seeking to relocate certain fees and credits already applied to these transactions on BOX. As such, the Exchange does not believe the proposed changes to Section I.C. and Section I.C.2. of the BOX Fee Schedule will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Finally, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and credits to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed rule change reflects this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Exchange Act [20] and Rule 19b–4(f)(2) thereunder,[21] because it establishes or changes a due, or fee.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the

[20] 15 U.S.C. 78s(b)(3)(A)(ii).

[21] 17 CFR 240.19b–4(f)(2).

action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–BOX–2021–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–BOX–2021–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2021–01, and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01585 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90951; File No. SR–NASDAQ–2020–081]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt Listing Rules Related to Board Diversity

January 19, 2021.

On December 1, 2020, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt listing rules related to board diversity. The proposed rule change was published for comment in the **Federal Register** on December 11, 2020.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is January 25, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment letters.[5]

Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates March 11, 2021 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2020–081).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01589 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90953; File No. SR–NYSEArca–2021–05]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the NYSE Arca Equities Fees and Charges

January 19, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on January 13, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the NYSE Arca Equities Fees and Charges (''Fee Schedule'') to (1) eliminate credits

[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 90574 (December 4, 2020), 85 FR 80472. Comments received on the proposed rule change are available on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2020-081/srnasdaq2020081.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] Additionally, the Exchange consented to extending to March 11, 2021 the date by which the Commission must either approve, disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change. *See* letter from Jeffrey S. Davis, Senior Vice President and Senior Deputy General Counsel, Exchange, to Vanessa A. Countryman, Secretary, Commission, dated January 8, 2021.

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and fees associated with Self Trade Prevention Modifiers, and (2) eliminate the Market Data Revenue Sharing Credits. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to (1) eliminate credits and fees associated with Self Trade Prevention (''STP'') Modifiers, and (2) eliminate the Market Data Revenue Sharing Credits. The Exchange proposes to implement the fee changes effective January 13, 2021.[4]

The Exchange currently provides STP Modifiers that allow ETP Holders entering orders to elect to prevent those orders from executing against other orders entered on the Exchange by the same ETP Holder.[5] In connection with the STP functionality, in 2009, the Exchange adopted the following credits and fees for orders returned to an ETP Holder using the STP Modifiers: ETP Holders entering an incoming order with either the STP Cancel Both (''STPC'') or the STP Decrement and Cancel (''STPD'') Modifier were charged $0.0030 per share for orders returned to the ETP Holder. The ETP Holder's corresponding resting order marked with any of the STP Modifiers that interacts with an incoming STPC or STPD Modifier were credited $0.0029 per share for orders returned to the ETP Holder. ETP Holders entering an incoming order with either the STP Cancel Newest (''STPN'') or the STP Cancel Oldest (''STPO'') Modifier were not credited or charged any fees.[6]

In 2018, the Exchange modified the credit from $0.0029 per share to $0.0030 per share for an ETP Holder's resting order that is returned to the ETP Holder.[7] With that change, both the fee and the credit associated with the STPC and STPD Modifiers is currently the same, $0.0030 per share. Additionally, the Exchange continues to not charge a fee or provide a credit to ETP Holders that enter an order with the STPN Modifier or with the STPO Modifier.

As a result of the standardization of the credits and fees associated with the STPC and STPD Modifiers, ETP Holders no longer pay a fee or receive a credit for this activity. Coupled with the zero credits and fees associated with the STPN and STPO Modifiers, there is currently no revenue generated by the Exchange when ETP Holders utilize the STP Modifiers when entering their orders on the Exchange. As a result, the Exchange proposes to eliminate the credits and fees associated with STP Modifiers and remove them from the Fee Schedule. The Exchange also proposes to renumber footnotes through the Fee Schedule in conjunction to the changes discussed herein.

Additionally, the Fee Schedule currently provides for Market Data Revenue Sharing Credits for Cross Orders in Tape A, Tape B and Tape C Securities. Due to a lack of demand, the Exchange eliminated Cross Orders in 2019.[8] As a result, the Market Data Revenue Sharing Credits program has become obsolete and the Exchange no longer collects revenue pursuant to the program. Therefore, the Exchange proposes to eliminate the Market Data Revenue Sharing Credits program and remove it, along with footnote 11,[9] from the Fee Schedule.

The proposed rule changes are intended to streamline the Fee Schedule by eliminating credits and fees that have become obsolete.

The proposed changes are not otherwise intended to address any other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[10] in general, and furthers the objectives of Sections 6(b)(4) and(5) of the Act,[11] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Exchange believes it is reasonable to eliminate credits and fees associated with STP Modifiers and Market Data Revenue Sharing Credits when such fees and credits become obsolete. In particular, the Exchange believes that the proposed rule change to eliminate the credits and fees associated with STP Modifiers is reasonable because this activity has become revenue neutral since the Exchange standardized the credits and fees associated with the STPC and STPD Modifiers in 2018. While ETP Holders may continue to utilize this functionality, they are no longer subject to any fees or credits for doing so. The Exchange notes that no other market provides for fees and credits associated with the use of STP Modifiers and this proposed rule change would align the Exchange's billing practice with those of its competitors. Additionally, the Exchange believes that the proposed rule change to eliminate the Market Data Revenue Sharing Credits program applicable to Cross Orders is reasonable because, with the elimination of Cross Orders, the Exchange no longer generates revenue to share with ETP Holders under the program.

The Exchange believes that amending the Fee Schedule to remove credits and fees associated with STP Modifiers and to remove the Market Data Revenue Sharing Credits for Cross Orders that are no longer functional would promote the protection of investors and the public interest because it would promote clarity and transparency in the Fee Schedule.

The Exchange believes that the proposed rule changes are reasonable because they would also streamline the Fee Schedule by deleting obsolete rule text. The Exchange believes deleting

[4] The Exchange originally filed to amend the Fee Schedule on January 4, 2021 (SR–NYSEArca–2021–01). SR–NYSEArca–2021–01 was subsequently withdrawn and replaced by this filing.

[5] *See* Securities Exchange Act Release No. 60191 (June 30, 2009), 74 FR 32660 (July 8, 2009) (SR–NYSEArca–2009–58).

[6] *See* Securities Exchange Act Release No. 60322 (July 16, 2009), 74 FR 36794 (July 24, 2009) (SR–NYSEArca–2009–68).

[7] *See* Securities Exchange Act Release No. 83032 (April 11, 2018), 83 FR 16909 (April 17, 2018) (SR–NYSEArca–2018–20).

[8] *See* Securities Exchange Act Release No. 87519 (November 13, 2019), 84 FR 63917 (November 19, 2019) (SR–NYSEArca–2019–80).

[9] The Exchange notes that footnote 11 contains rule text that is outdated, left over from the time when the Exchange employed a Directed Order Process, which it no longer does, and which limited the participation of LMMs in the program. The same applies to GTC orders, which are also no longer available on the Exchange. The Exchange, therefore, proposes to delete the rule text in footnote 11 in its entirety.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4) and (5).

obsolete rule text would promote clarity to the Fee Schedule and reduce confusion to ETP Holders as to which fees and credits are applicable to their trading activity on the Exchange. The Exchange believes it is reasonable to delete the obsolete fees and credits from the Fee Schedule and thereby, streamline the Fee Schedule, to promote clarity and reduce confusion as to the applicability of fees and credits that ETP Holders would be subject to. The Exchange believes deleting obsolete fees and credits would also simplify the Fee Schedule.

The Exchange believes that deleting obsolete fees and credits from the Fee Schedule is equitable and not unfairly discriminatory because the resulting streamlined Fee Schedule would continue to apply to ETP Holders as it does currently because the Exchange is not adopting any new fees or credits or removing any current fees or credits from the Fee Schedule that impact ETP Holders. All ETP Holders would continue to be subject to the same fees and credits that currently apply to them.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[12] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition. The Exchange's proposal to delete obsolete fees and credits from the Fee Schedule will not place any undue burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because all ETP Holders would continue to be subject to the same fees and credits that currently apply to them. To the extent the proposed rule change places a burden on competition, any such burden would be outweighed by the fact that a streamlined Fee Schedule would promote clarity and reduce confusion with respect to the fees and credits that ETP Holders would be subject to.

Intermarket Competition. The Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchanges and off-exchange venues if they deem fee levels at those other venues to be more favorable. Market share statistics provide ample evidence that price competition between exchanges is fierce, with liquidity and market share moving freely from one execution venue to another in reaction to pricing changes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [13] of the Act and subparagraph (f)(2) of Rule 19b–4 [14] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [15] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2021–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2021–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2021–05 and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01591 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78f(b)(8).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(2).

[15] 15 U.S.C. 78s(b)(2)(B).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–657, OMB Control No. 3235–0705]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 30b1–8 and Form N–CR

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''Paperwork Reduction Act'') (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 30b1–8 under the Act [17 CFR 270.30b1–8], entitled ''Current Report for Money Market Funds,'' provides that every registered open-end management investment company, or series thereof, that is regulated as a money market fund under rule 2a–7 [17 CFR 270.2a–7], that experiences any of the events specified on Form N–CR [17 CFR 274.222], must file with the Commission a current report on Form N–CR within the time period specified in that form. The information collection requirements for rule 30b1–8 and Form N–CR are designed to assist Commission staff in its oversight of money market funds and its ability to respond to market events. It also provides investors with better and timelier disclosure of potentially important events. Finally, the Commission is able to use the information provided on Form N–CR in its regulatory, disclosure review, inspection, and policymaking roles. The rule imposes a burden per report of approximately 8.5 hours and $1018.5, so that the total annual burden for the estimated 6 reports filed per year on Form N–CR is 51 hours and $19,839.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is based on communications with industry representatives, and is not derived from a comprehensive or even a representative survey or study.

The collection of information on Form N–CR is mandatory for any fund that holds itself out as a money market fund in reliance on rule 2a–7. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Dated: January 21, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01666 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Small Business Capital Formation Advisory Committee will hold a public meeting on Friday, January 29, 2021, via videoconference.

PLACE: The meeting will begin at 10:00 a.m. (ET) and will be open to the public. The meeting will be conducted by remote means (videoconference) and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549. Members of the public may watch the webcast of the meeting on the Commission's website at *www.sec.gov.*

STATUS: On January 11, 2021, the Commission published notice of the Committee meeting (Release No. 33–10919), indicating that the meeting is open to the public and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a majority of the Commission may attend the meeting.

MATTER TO BE CONSIDERED: The agenda for the meeting includes matters relating to rules and regulations affecting small and emerging businesses and their investors under the federal securities laws.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Dated: January 22, 2021.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2021–01797 Filed 1–22–21; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90947; File No. SR–NYSE–2021–02]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

January 19, 2021.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that on January 4, 2021, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to (1) provide an alternative way to qualify for the adding tier for MPL orders; (2) eliminate current Adding Tier 4 and Step Up Tier 3; (3) introduce a new Step Up Adding Tier 4; (4) restrict Supplemental Liquidity Providers (''SLP'') National Best Bid and Offer (''NBBO'') Setter pricing tier credits to member organizations that are SLPs; and (5) eliminate the optional monthly per security credit payable to Designated Market Makers (''DMMs'') and make related non-substantive conforming changes. The Exchange proposes to implement the fee changes effective January 4, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to (1) provide an alternative way to qualify for the adding tier for MPL orders; (2) eliminate current Adding Tier 4 and Step Up Tier 3; (3) introduce a new Step Up Adding Tier 4; (4) restrict SLP NBBO setter pricing tier credits to member organizations that are SLPs; and (5) eliminate the optional monthly per security credit payable to DMMs and make related non-substantive conforming changes.

The proposed changes respond to the current competitive environment where order flow providers have a choice of where to direct liquidity-providing orders by offering further incentives for member organizations to send additional displayed liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective January 4, 2021.

Background

Current Market and Competitive Environment

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [4]

While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [5] Indeed, equity trading is currently dispersed across 16 exchanges,[6] 31 alternative trading systems,[7] and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly-available information, no single exchange has more than 16% market share.[8] Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 10%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange, member organizations can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

In response to the competitive environment described above, the Exchange has established incentives for its member organizations who submit orders that provide liquidity on the Exchange. The proposed fee change is designed to attract additional order flow to the Exchange by incentivizing member organizations to submit additional displayed liquidity to, and quote aggressively in support of the price discovery process on, the Exchange.

Proposed Rule Change

Alternative Qualification Adding Tier for MPL Orders

Currently, a member organization that has an average daily trading volume (''ADV'') that adds liquidity to the Exchange during the billing month (''Adding ADV'') in MPL orders [9] that is at least 0.075% of Tapes A, B and C consolidated average daily volume (''CADV''),[10] excluding any liquidity added by a DMM, would be eligible for a $0.00275 credit.

The Exchange proposes an alternative way for member organizations to qualify for this adding tier credit in MPL orders. As proposed, a member organization that has an Adding ADV in MPL orders of at least 7.25 million shares would also be eligible for a $0.00275 credit for MPL Orders that add liquidity under this tier. The Exchange believes that the alternative method would enable more member organizations to qualify for the tier, especially in high volume months. The purpose of the proposed change is to incentivize member organizations to trade on the Exchange in MPL orders in Tapes A, B and C securities. Providing an alternative way for member organizations to qualify for the $0.00275 credit would increase liquidity providing MPL orders in Tapes A, B and C securities, which would support the quality of price discovery on the Exchange and provide additional price improvement opportunities for incoming orders that take liquidity. The Exchange believes that by correlating the amount of credits to the level of MPL orders sent by a member organization that add liquidity, the Exchange's fee structure would incentivize member organizations to submit more MPL orders that add liquidity to the Exchange, thereby increasing the potential for price improvement and execution opportunities to incoming marketable orders submitted to the Exchange.

As noted above, the Exchange operates in a competitive and fragmented market environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could

[4] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[5] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

[6] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/. See generally https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html.*

[7] *See* FINRA ATS Transparency Data, available at *https://otctransparency.finra.org/otctransparency/AtsIssueData.* A list of alternative trading systems registered with the Commission is *available at https://www.sec.gov/foia/docs/atslist.htm.*

[8] *See* Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/.*

[9] An MPL Order is defined in Rule 7.31 as a Limit Order that is not displayed and does not route, with a working price at the midpoint of the PBBO. See Rule 7.31(d)(3). Limit Order is defined in Rule 7.31(a)(2).

[10] Footnote 2 to the Price List defines ADV as ''average daily volume'' and ''Adding ADV'' as ADV that adds liquidity to the Exchange during the billing month. CADV is defined in footnote * of the Price List.

qualify for the tiered rate under the new qualification criteria if they choose to direct order flow to, and increase quoting on, the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the tier under the new proposed requirements.

Elimination of Adding Tier 4 and Step Up Tier 3

Currently, a member organization qualifies for Tier 4 Adding Credit of $0.0015 if the member organization

- has Adding ADV in MPL orders that is at least 4 million shares ADV, excluding any liquidity added by a DMM, and
- executes MOC and LOC orders of at least 0.10% of NYSE CADV, or
- has an Adding ADV that is at least 0.175% of NYSE CADV,
- ADV of the Member Organization's total close activity (MOC/LOC and other executions at the close) on the NYSE of at least 0.05% of NYSE CADV, and
- an Adding ADV 25,000 shares in Orders designated as ''retail'' (*i.e.,* orders that satisfy the Retail Modifier requirements of Rule 13) that add liquidity to the NYSE.

In addition, member organizations that meet the above requirements and add liquidity, excluding liquidity added as an SLP, in securities traded pursuant to Unlisted Trading Privileges (Tapes B and C) on the Pillar Trading Platform of at least 0.20% of Tape B and Tape C CADV combined, are eligible for an additional $0.0001 per share.

Similarly, the current Step Up Tier 3 Adding Credit offers a credit to member organizations providing displayed liquidity to the Exchange in Tape A securities. As proposed, a member organization that has Adding ADV, excluding any liquidity added by a DMM, that is at least 0.05% of NYSE CADV over that member organization's Fourth Quarter 2019 adding liquidity taken as a percentage of NYSE CADV (the ''Baseline Tape A Share'') would receive a credit of $0.0015 for adding liquidity, except MPL and Non-Displayed Limit Orders, if the increase in Adding ADV over the Baseline Tape A Share is at least 0.05% and less than 0.10%. If the increase in Adding ADV over the Baseline Tape A Share is at least 0.10% or more, a member organization meeting the above requirements would receive a credit of $0.0018 for adding liquidity, except MPL and Non-Displayed Limit Orders.

In addition, member organizations that meet these requirements and qualify for the $0.0015 or $0.0018 credit in Tape A securities would be eligible to receive an additional $0.0001 per share for adding liquidity in Tape A securities if trades in Tapes B and C securities against the member organization's orders that add liquidity, excluding orders as an SLP, equal to at least 0.20% of Tape B and Tape C CADV combined.

The Exchange proposes to eliminate the Adding Tier 4 and Step Up Tier 3 pricing tiers in their entirety and to remove both from the Price List because each pricing tier has been underutilized by member organizations insofar as no member organization has qualified for either tier. As such, Exchange does not anticipate any member organization in the near future would qualify for either tier that is the subject of this proposed rule change.

With the proposed elimination of the Step Up Tier 3 Adding Credit, the Exchange proposes to rename the current Step Up Tier 4 Adding Credit as Step Up Tier 3 Adding Credit. The Exchange also proposes a new Step Up Tier 4 Adding Credit, as discussed below.

New Step Up Tier 4 Adding Credit

The Exchange proposes to adopt a new ''Step Up Tier 4 Adding Credit'' that would offer an incremental credit for providing displayed liquidity to the Exchange in Tapes A, B and C securities.

As proposed, the Exchange would provide a $0.0015 credit in Tape A securities for all orders, other than MPL and Non-Displayed Limit Orders, if the member organization:

- Has an Adding ADV that is at least 0.20% of NYSE CADV, and
- has an Adding ADV, excluding any liquidity added by a DMM, that is at least 0.05% of NYSE CADV over that Member Organization's November 2020 adding liquidity taken as a percentage of NYSE CADV.

In addition, member organizations that meet the above requirements and add liquidity, excluding liquidity added as an SLP, in Tapes B and C Securities of at least 0.20% of Tape B and Tape C CADV combined would be eligible to receive an additional $0.0001 per share.

For example, assume a Member Organization A has an adding ADV of 0.16% of NYSE CADV in the baseline month of November 2020. Further assume that Member Organization A has an adding ADV of 0.21% of US CADV in the billing month. Member Organization A would meet both the requirement of Adding ADV of at least 0.20% of NYSE CADV and the requirement of an Adding ADV that is at least 0.05% of NYSE CADV over that member organization's November 2020 adding liquidity taken as a percentage of NYSE CADV.

The purpose of this proposed change is to incentivize member organizations to increase the liquidity-providing orders in the Tape A securities they send to the Exchange, which would support the quality of price discovery on the Exchange and provide additional liquidity for incoming orders. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. Because the proposed tier requires a member organization to increase the volume of its trades in orders that add liquidity over that member organization's November 2020 baseline, the Exchange believes that the proposed credit would provide an incentive for all member organizations to send additional liquidity to the Exchange in order to qualify for it. The Exchange does not know how much order flow member organizations choose to route to other exchanges or to off-exchange venues. Based on the profile of liquidity-adding firms generally, the Exchange believes that additional member organizations could qualify for the tiered rate under the new qualification criteria if they choose to direct order flow to, and increase quoting on, the Exchange. However, without having a view of member organization's activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization directing orders to the Exchange in order to qualify for the new tier.

SLP NBBO Setter Tier

In September 2020, the Exchange adopted the SLP NBBO Setter Tier for securities with a per share price of $1.00 or above that offers four sets of tiered credits for orders that set the NBBO or provide other displayed liquidity in Tape A, B and C Securities, on a monthly basis, from SLPs and member organizations affiliated with SLPs in addition to the tiered or non-tiered SLP credit for adding displayed liquidity.[11] As adopted, both SLPs and affiliated member organizations are eligible for the SLP NBBO Setter Tier credits. The Exchange proposes to restrict eligibility

[11] *See* Securities Exchange Act Release No. 89754 (September 2, 2020), 85 FR 55550 (September 8, 2020) (SR–NYSE–2020–71).

for the credits under this tier to member organizations that are SLPs. To effectuate this change, the Exchange would add text describing SLPs are those member organizations that meet the 10% average or more quoting requirement in an assigned security pursuant to Rule 107B (quotes of an SLP Prop and an SLMM of the same member organization shall not be aggregated). The Exchange proposes no additional changes to the SLP NBBO Setter Tier.

The purpose of this proposed change is to restrict the incentives to increase aggressively priced liquidity-providing orders that improve the market by setting the NBBO to member organizations that are SLPs. As noted above, the Exchange operates in a competitive environment, particularly as it relates to attracting non-marketable orders, which add liquidity to the Exchange. The SLP NBBO Setter Tier is designed to encourage higher levels of liquidity, which support the quality of price discovery on the Exchange and is consistent with the overall goals of enhancing market quality. By limiting eligibility for the SLP setter credits to SLPs, the Exchange brings these credits in line with other SLP credits that are only credited to the SLP, and not the affiliated member organizations.

Elimination of the Monthly Rebate per Security and Optional Credit for DMMs

Currently, the Exchange offers an optional monthly rebate per security (''Rebate Per Security'') to DMMs with 100 or more assigned securities, up to a maximum credit of $100,000 per month across all DMM assigned securities, that elect to receive a lower monthly rebate per share credit (''Optional Credit'') for all assigned securities. DMMs electing the Rebate per Security and corresponding Optional Credit for all assigned securities are required to notify the Exchange prior to the start of a calendar quarter to be effective for that and subsequent quarters. Similarly, DMMs electing to suspend the Rebate per Security and corresponding Optional Credit for that suspension to be effective for that and subsequent quarters are required to notify the Exchange prior to the start of that calendar quarter. The Rebate Per Security is currently available for the start of a calendar quarter for assigned securities that meet the following quoting requirements:

First, in More Active Securities,[12] if the DMM that elects the Optional Credit meets the More Active Securities Quoting Requirement in an assigned security,[13] that DMM's assigned security is eligible for a

- $100.00 Rebate per Security if the DMM quotes at the NBBO in the applicable security 30% of the time or more in the applicable month;
- $75.00 Rebate Per Security if the DMM quotes at least 20% and up to 30% of the time in the applicable month; and
- $50.00 if the DMM quotes at least 10% and up to 20% of the time in the applicable month.

Second, in Less Active Securities,[14] if the DMM that elects the Optional Credit meets the Less Active Securities Quoting Requirement [15] in an assigned security, that DMM's assigned security is eligible for a:

- $200.00 Rebate per Security if the DMM quotes at the NBBO in the applicable security 60% of the time or more in the applicable month;
- $125.00 if the DMM quotes at least 40% and up to 60% of the time in the applicable month; and
- $100.00 if the DMM quotes at least 15% and up to 40% of the time in the applicable month.

The Exchange proposes to eliminate the monthly Rebate Per Security and the associated Optional Credits in their entirety and remove them from the Price List because the credits have been underutilized by DMMs. As noted, the definitions of More Active Securities, More Active Securities Requirement, Less Active Securities and Less Active Securities Requirement would be relocated with no substantive changes to the section of the Price List describing DMM rebates where these terms are also utilized.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[17] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change is Reasonable

As discussed above, the Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [18] While Regulation NMS has enhanced competition, it has also fostered a ''fragmented'' market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that ''such competition can lead to the fragmentation of order flow in that stock.'' [19]

Additional MPL Adding Tier Requirement

The proposed alternative way to qualify for the Adding Tier for MPL orders is reasonable because an additional way to qualify for the tier would make it easier for member organizations to qualify for the credit, thereby encouraging the submission of additional liquidity by more member

[12] ''More Active Securities'' are securities with an average daily consolidated volume (''Security CADV'') in the previous month equal to or greater than 1,000,000 shares per month.

[13] The ''More Active Securities Quoting Requirement'' is met if the More Active Security has a stock price of $1.00 or more and the DMM quotes at the National Best Bid or Offer (''NBBO'') in the applicable security at least 10% of the time in the applicable month. Both ''More Active Securities'' and the ''More Active Securities Quoting Requirement'' are defined in the Price List. The Exchange is not proposing any changes to these definitions and proposes to relocate them from the text describing the optional rebate that the Exchange proposes to delete.

[14] ''Less Active Securities'' are securities with Security CADV of less than 1,000,000 shares per month in the previous month.

[15] The ''Less Active Securities Quoting Requirement'' is met if the Less Active Security has a stock price of $1.00 or more and the DMM quotes at the NBBO in the applicable security at least 15% of the time in the applicable month. Both ''Less Active Securities'' and the ''Less Active Securities Quoting Requirement'' are defined in the current Price List. As with the definitions of More Active Securities and the More Active Securities Quoting Requirement, the Exchange is not proposing any changes to these definitions and proposes to relocate them from the text describing the optional rebate.

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(4) & (5).

[18] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7–10–04) (Final Rule) (''Regulation NMS'').

[19] *See* Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7–02–10) (Concept Release on Equity Market Structure).

organizations to a national securities exchange. As noted, the Exchange believes that the alternative method would enable more member organizations to qualify for the tier, especially in high volume months. Submission of additional liquidity to the Exchange would promote price discovery and transparency and enhance order execution opportunities for member organizations from the substantial amounts of liquidity present on the Exchange. All member organizations would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities.

New Step UP Tier 4 Adding Credit

The new proposed Step Up Tier 4 Adding Credit is reasonable. Specifically, the Exchange believes that the proposed Step Up Tier 4 Adding Credit would provide an incentive for member organizations to send additional liquidity providing orders to the Exchange in Tape A securities. As noted above, the Exchange operates in a highly competitive environment, particularly for attracting non-marketable order flow that provides liquidity on an exchange.

The Exchange believes that requiring member organizations to have adding ADV, excluding any liquidity added by a DMM, that is at least 0.20% of NYSE CADV and to add liquidity to the NYSE if the member organization has Adding ADV, excluding any liquidity added by a DMM, that is at least 0.05% of NYSE CADV over that member organization's November 2020 adding liquidity taken as a percentage of NYSE CADV in order to qualify for the proposed Step Up Tier 4 Adding Credit is reasonable because it would encourage additional displayed liquidity on the Exchange and because market participants benefit from the greater amounts of displayed liquidity present on the Exchange. Finally, the Exchange believes it's reasonable to provide an additional $0.0001 per share for adding liquidity in Tape A securities for member organizations meet the proposed tier requirements and qualify for the $0.0015 credit in Tape A securities if trades in Tapes B and C securities against the member organization's orders that add liquidity, excluding orders as an SLP, equal to at least 0.20% of Tape B and Tape C CADV combined, is reasonable as this same incentive is offered in the NYSE's other adding tiers (Tier 1–3 Adding Credits).

Since the proposed Step Up Tier 4 would be new with a step up requirement, no member organization currently qualifies for the proposed pricing tier. As previously noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether the proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an additional incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the higher credit, thereby contributing to depth and market quality on the Exchange.

SLP NBBO Setter Tier

Clarifying that the SLP NBBO Setter Tier credits are not available for member organizations that are affiliated with SLPs is also reasonable as it brings those credits in line with other SLP tiers and credits. It is also reasonable to limit the higher credits available under this tier to SLP adding ADV given the SLP's additional quoting requirements, which non-SLP member organizations do not have.

Elimination of Pricing Tiers and Optional DMM Rebates and Credits

The Exchange believes that the proposed elimination of the Adding Tier 4 and Step Up Tier 3 pricing tiers is reasonable because each of these pricing tiers have been underutilized and have generally not incentivized member organizations to bring liquidity and increase trading on the Exchange. The Exchange does not anticipate any member organization in the near future to qualify for any of the tiers that are the subject of this proposed rule change. Similarly, the Exchange believes eliminating the option for DMMs to receive lower per share transaction credits in exchange for monthly rebates per assigned security is reasonable because DMMs have underutilized these incentives. The Exchange believes it is reasonable to eliminate requirements and credits, and even entire pricing tiers, when such incentives become underutilized. The Exchange believes eliminating underutilized incentive programs would also simplify the Price List. The Exchange further believes that removing reference to the pricing tiers and the optional DMM rebates and credits from the Price List would also add clarity and transparency to the Price List.

The Proposal Is an Equitable Allocation of Fees

Additional MPL Adding Tier Requirement

The Exchange believes its proposal to offer an alternative way for member organizations to qualify for the Adding Tier for MPL orders equitably allocates its fees among its market participants. The Exchange is not proposing to adjust the amount of the Adding Tier Credit for MPL orders that add liquidity, which will remain at the current level for all market participants. Rather, by providing an alternative way for member organizations to qualify for the adding credit, the proposal would continue to encourage member organizations to send orders that provide liquidity to the Exchange, thereby contributing to robust levels of liquidity, which benefits all market participants, and promoting price discovery and transparency. The proposal would also enhance order execution opportunities for member organizations from the substantial amounts of liquidity present on the Exchange. All member organizations would benefit from the greater amounts of liquidity that will be present on the Exchange, which would provide greater execution opportunities. The Exchange believes that offering an alternate way for member organizations to qualify for a tiered credit, more member organizations will be able to choose to route their liquidity-providing orders to the Exchange to qualify for the credit. As previously noted, based on the profile of liquidity-providing member organizations generally, the Exchange believes additional member organizations could qualify for the adding credit if they choose to direct order flow to, and increase quoting on, the Exchange. Additional liquidity-providing orders benefits all market participants because it provides greater execution opportunities on the Exchange.

New Step UP Tier 4 Adding Credit

The Exchange believes that the proposed Step Up Tier 4 is equitable because the magnitude of the additional credit is less than the current Step Up Tier 2 credit in Tape A securities. Moreover, the proposed credit is not unreasonable relative with the other non-SLP adding tier credits, which as range from $0.0015 to $0.0031, in comparison to the credits paid by other exchanges for orders that provide additional step up liquidity.[20]

The Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market wide quality and

[20] See Cboe Global Markets U.S. Equities Market Volume Summary, available at *http://markets.cboe.com/us/equities/market_share/*.

price discovery. Since the proposed Step Up Tier 4 would be new and includes a step up Adding ADV requirement, no member organization currently qualifies for it. As noted, without a view of member organization activity on other exchanges and off-exchange venues, the Exchange has no way of knowing whether this proposed rule change would result in any member organization qualifying for the tier. The Exchange believes the proposed credit is reasonable as it would provide an additional incentive for member organizations to direct their order flow to the Exchange and provide meaningful added levels of liquidity in order to qualify for the credit, thereby contributing to depth and market quality on the Exchange. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. All member organizations that provide liquidity could be eligible to qualify for the credit proposed in Step Up Tier 4 if they increase their Adding ADV over their own baseline of order flow. The Exchange believes that offering a step up credit for providing liquidity if the step up requirements for Tape A securities are met will continue to attract order flow and liquidity to the Exchange, thereby providing additional price improvement opportunities on the Exchange and benefiting investors generally. As to those market participants that do not presently qualify for the adding liquidity credits, the proposal will not adversely impact their existing pricing or their ability to qualify for other credits provided by the Exchange.

SLP NBBO Setter Tier

The Exchange believes that limiting the incentives available under the SLP NBBO Tier only to SLPS is not unfairly discriminatory because the tier will continue to allocate the credits fairly among market participants. The tier will continue to allow SLPs to qualify for a credit by adding liquidity and setting the NBBO on the Exchange, thereby continuing to improve market quality for all market participants on the Exchange and, as a consequence, attract more liquidity to the Exchange, thereby improving market-wide quality and price discovery. It is equitable for the Exchange to limit additional incentives to SLPs to receive a credit when their orders add liquidity to the Exchange as a means of incentivizing increased liquidity adding activity by SLPs, given the SLP's additional quoting requirements, which non-SLP member organizations do not have. An increase in overall liquidity on the Exchange will improve the quality of the Exchange's market and increase its attractiveness to existing and prospective participants.

Elimination of Pricing Tiers and Optional DMM Rebates and Credits

The Exchange believes that eliminating requirements and credits, and even entire pricing tiers, from the Price List when such incentives become ineffective is equitable because the two pricing tiers and DMM rebate and credits the Exchange proposes to eliminate would be eliminated in their entirety, and would no longer be available to any member organization in any form.

The Proposal Is Not Unfairly Discriminatory

Additional MPL Adding Tier Requirement

The Exchange believes its proposal to offer an alternative way for member organizations to qualify for the MPL Adding Tier is not unfairly discriminatory because the proposal would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed alternative requirements, who would all be eligible for the same credit on an equal basis. Accordingly, no member organization already operating on the Exchange would be disadvantaged by this allocation of fees. Further, as noted, the Exchange believes the proposal would provide an incentive for member organizations to continue to send orders that provide liquidity to the Exchange, to the benefit of all market participants.

New Step Up Tier 4 Adding Credit

The Exchange believes it is not unfairly discriminatory to provide an additional per share step up credit, as the proposed credit would be provided on an equal basis to all member organizations that add liquidity by meeting the new proposed Step Up Tier 4's requirements and would equally encourage all member organizations to provide additional displayed liquidity on the Exchange. As noted, the Exchange believes that the proposed credit would provide an incentive for member organizations to send additional liquidity to the Exchange in order to qualify for the additional credits. The Exchange also believes that the proposed change is not unfairly discriminatory because it is reasonably related to the value to the Exchange's market quality associated with higher volume. Finally, the submission of orders to the Exchange is optional for member organizations in that they could choose whether to submit orders to the Exchange and, if they do, the extent of its activity in this regard.

SLP NBBO Setter Tier

The Exchange believes that modifying the tiers in that member organizations affiliated with SLPs are not eligible for the incentives under the SLP NBBO Setter Tier is not unfairly discriminatory because the requirements to achieve the fees would be applied to all similarly situated member organizations, who would all be eligible for the same credit based on the revised requirement on an equal basis. Limiting the credits to SLPs is reasonable given the SLP's additional quoting requirements, which non-SLP member organizations do not have. The proposal neither targets nor will it have a disparate impact on any particular category of market participant. The proposal does not permit unfair discrimination because the existing qualification criteria would be applied to all similarly situated member organizations, who would all be eligible for the same credit on an equal basis.

Elimination of Pricing Tiers and Optional DMM Rebates and Credits

The Exchange believes that the proposal is not unfairly discriminatory because the proposed elimination of two pricing tiers and optional DMM rebate and credits would affect all similarly-situated market participants on an equal and non-discriminatory basis. The Exchange believes that eliminating requirements and credits, and even entire pricing tiers, from the Price List when such incentives become ineffective is not unfairly discriminatory because the pricing tiers the Exchange proposes to eliminate would no longer be available to any member organization on an equal basis. Similarly, eliminating optional DMM rebate and credits that are underutilized and ineffective would no longer be available to any DMM on an equal basis.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[21] the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price

[21] 15 U.S.C. 78f(b)(8).

discovery and transparency and enhancing order execution opportunities for member organizations. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [22]

Intramarket Competition. The proposed changes are designed to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The current credits would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

[22] Regulation NMS, 70 FR at 37498–99.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [23] of the Act and subparagraph (f)(2) of Rule 19b–4 [24] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [25] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSE–2021–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2021–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2021–02, and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01586 Filed 1–25–21; 8:45 am]

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[23] 15 U.S.C. 78s(b)(3)(A).

[24] 17 CFR 240.19b–4(f)(2).

[25] 15 U.S.C. 78s(b)(2)(B).

[26] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0441, SEC File No. 270–385]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 18f–3 [OMB Control No. 3235–0441, SEC File No. 270–385]

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (''the Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 18f–3 (17 CFR 270.18f–3) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) exempts from section 18(f)(1) a fund that issues multiple classes of shares representing interests in the same portfolio of securities (a ''multiple class fund'') if

the fund satisfies the conditions of the rule. In general, each class must differ in its arrangement for shareholder services or distribution or both, and must pay the related expenses of that different arrangement. The rule includes one requirement for the collection of information. A multiple class fund must prepare, and fund directors must approve, a written plan setting forth the separate arrangement and expense allocation of each class, and any related conversion features or exchange privileges (''rule 18f–3 plan''). Approval of the plan must occur before the fund issues any shares of multiple classes and whenever the fund materially amends the plan. In approving the plan, the fund board, including a majority of the independent directors, must determine that the plan is in the best interests of each class and the fund as a whole.

The requirement that the fund prepare and directors approve a written rule 18f–3 plan is intended to ensure that the fund compiles information relevant to the fairness of the separate arrangement and expense allocation for each class, and that directors review and approve the information. Without a blueprint that highlights material differences among classes, directors might not perceive potential conflicts of interests when they determine whether the plan is in the best interests of each class and the fund. In addition, the plan may be useful to Commission staff in reviewing the fund's compliance with the rule.

Based on an analysis of fund filings, the Commission estimates that there are approximately 7,293 multiple class funds offered by 990 registrants. The Commission estimates that each of the 990 registrants will make an average of 0.5 responses annually to prepare and approve a written 18f–3 plan.[1] The Commission estimates each response will take 6 hours, requiring a total of 3 hours per registrant per year.[2] Thus the total annual hour burden associated with these requirements of the rule is approximately 2,970 hours.[3]

Estimates of the average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. The collection of information under rule 18f–3 is mandatory. The information provided under rule 18f–3 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01662 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

[1] The Commission estimates that each registrant prepares and approves a rule 18f–3 plan every two years when issuing a new fund or new class or amending a plan (or that 522.5 of all 1,045 registrants prepare and approve a plan each year).

[2] 0.5 responses per registrant × 6 hours per response = 3 hours per registrant.

[3] 3 hours per registrant per year × 1,045 registrants = 3,135 hours per year.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–399, OMB Control No. 3235–0456]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Form 24F–2

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 24f–2 (17 CFR 270.24f–2) under the Investment Company Act of 1940 (15 U.S.C. 80a) requires any open-end management companies (''mutual funds''), unit investment trusts (''UITs''), registered closed-end investment companies that make periodic repurchase offers under rule 23c–3 under the Investment Company Act [17 CFR 270.23c–3] (''interval funds''), or face-amount certificate companies (collectively, ''funds'') deemed to have registered an indefinite amount of securities to file, not later than 90 days after the end of any fiscal year in which it has publicly offered such securities, Form 24F–2 (17 CFR 274.24) with the Commission. Form 24F–2 is the annual notice of securities sold by funds that accompanies the payment of registration fees with respect to the securities sold during the fiscal year.

The Commission estimates that 6,794 funds file Form 24F–2 on the required annual basis. The average annual burden per respondent for Form 24F–2 is estimated to be four hours. The total annual burden for all respondents to Form 24F–2 is estimated to be 27,176 hours. The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules.

Compliance with the collection of information required by Form 24F–2 is mandatory. The Form 24F–2 filing that must be made to the Commission is available to the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following website, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Lindsay.M.Abate@omb.eop.gov;* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Dated: January 21, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01664 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90943; File No. SR–CboeBYX–2021–004]

Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish a Monthly Fee Assessed on Members' MPIDs

January 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on January 13, 2021, Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BYX Exchange, Inc. (the ''Exchange'' or ''BYX Equities'') proposes to amend its fee schedule to establish a fee in connection with a Member's Market Participant Identifier(s) (''MPID''). The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/byx/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to adopt a monthly fee assessed on Members' MPIDs.[3]

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Exchange Act, to which market participants may direct their order flow. Based on publicly available information,[4] no single registered equities exchange has more than 16% of consolidated equity market share and currently the Exchange represents approximately 1.5% of the U.S. equities market. Thus, in such a low-concentrated and highly competitive market, no single equities exchange possesses significant pricing power in the execution of order flow. The Exchange further notes that broker-dealers are not compelled to be Members of the Exchange, and a significant proportion of broker-dealers that trade U.S. equity securities have, in fact, chosen not to apply for membership on the Exchange.

By way of background, an MPID is a four-character unique identifier that is approved by the Exchange and assigned to a Member for use on the Exchange to identify the Member firm on the orders sent to the Exchange and resulting executions. Members may choose to request more than one MPID as a unique identifier(s) for their transactions on the Exchange. The Exchange notes that a Member may have multiple MPIDs for use by separate business units and trading desks or to support Sponsored Participant [5] access. Certain members currently leverage multiple MPIDs to obtain benefits from and added value in their participation on the Exchange. Multiple MPIDs provide unique benefits to and efficiencies for Members by allowing: (1) Members to manage their trading activity more efficiently by assigning different MPIDs to different trading desks and/or strategies within the firm; and (2) Sponsoring Members [6] to segregate Sponsored Participants by MPID to allow for detailed client-level reporting, billing, and administration, and to market the ability to use separate MPIDs to Sponsored Participants, which, in turn, may serve as a potential incentive for increased order flow traded through the Sponsoring Member.

The Exchange proposes to adopt a fee applicable to Members that use multiple MPIDs to facilitate their trading on the Exchange. Specifically, as proposed, the Exchange would assess a monthly MPID Fee of $150 per MPID per Member, with a Member's first MPID provided free of charge. The Exchange believes the proposed assessment of an MPID Fee aligns with the additional value and benefits provided to Members that choose to utilize more than one MPID to facilitate their trading on the Exchange. The Exchange also believes that assessing a fee on additional MPIDs will be beneficial because such fee will promote efficiency in MPID use.

The MPID Fee will be assessed on a pro-rated basis for new MPIDs by charging a Member based on the trading day in the month during which an additional MPID becomes effective for use. If a Member cancels an additional MPID on or after the first business day of the month, the Member will be required to pay the entire MPID Fee for that month. The Exchange believes that this practice is appropriate to balance the administrative costs associated with disabling MPIDs.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange initially filed the proposed fee changes January 4, 2021 (SR–CboeBYX–2021–002). On January 13, 2021, the Exchange withdrew that filing and submitted this proposal.

[4] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (December 18, 2020), available at *https://markets.cboe.com/us/equities/market_statistics/*.

[5] A Sponsored Participant is a person which has entered into a sponsorship arrangement with a Sponsoring Member pursuant to Rule 11.3, which permits a Sponsored Participant to obtain authorized access to the System only if such access is authorized in advance by one or more Sponsoring Members. *See* Rules 1.5(x) and 11.3.

[6] A Sponsoring Member is a Member that is a registered broker-dealer and that has been designated by a Sponsored Participant to execute, clear and settle transactions resulting from the System. The Sponsoring Member shall be either (i) a clearing firm with membership in a clearing agency registered with the Commission that maintains facilities through which transactions may be cleared or (ii) a correspondent firm with a clearing arrangement with any such clearing firm. *See* Rule 1.5(y)

and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with Section 6(b)(4) of the Act,[8] which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with the objectives of Section 6(b)(5) requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and, particularly, is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the proposed MPID Fee is consistent with the Act in that it is reasonable, equitable, and not unfairly discriminatory. In particular, the Exchange believes that the proposed fee is reasonable because it is reasonably aligned with the benefits provided to Members that choose to utilize multiple MPIDs to facilitate their trading on the Exchange. While each Member must have an MPID to participate on the Exchange, additional MPIDs are optional and will be assessed the proposed fee. Additional MPIDs currently allow for Members to realize certain benefits from and added value to their participation on the Exchange but also require the Exchange to allocate additional administrative resources to manage each MPID that a Member chooses to use for its trading activity. Therefore, the Exchange believes that it is reasonable to assess a modest fee on any additional MPIDs that Members choose to use to facilitate their trading. The Exchange again notes that it is optional for a Member to request and employ additional MPIDs, and a large portion (approximately 39%) of the Exchange's Members currently utilize just the one MPID necessary to participate on the Exchange.

The Exchange also believes that assessing a modest fee on additional MPIDs is reasonably designed to promote efficiency in MPID use. The Exchange notes that its affiliated equities exchanges, Cboe EDGX Exchange, Inc. (''EDGX'') and Cboe EDGA Exchange, Inc. (''EDGA''), had previously implemented an MPID Fee,[9] and observed that, as a result of an MPID Fee, members were incentivized to more effectively administer their MPIDs and reduce the number of under-used or superfluous MPIDs, or MPIDs that did not contribute additional value to a member's participation on the exchange. Reduction of such MPIDs, in turn, reduces exchange resources allocated to administration and maintenance of those MPIDs. In particular, it was observed that within the first few months of introducing the previous MPID Fee on the Exchange's affiliated exchanges, the number of MPIDs on EDGX and EDGA each decreased by approximately 17%, demonstrating that Members may choose to be more efficient in their use of MPIDs in response to an MPID Fee, such as that proposed in this fee change.[10]

The Exchange further believes the proposed MPID Fee is reasonable because the amount assessed is less than the analogous fees charged by at least one other market; namely, Nasdaq Stock Market LLC (''Nasdaq'').[11] The Exchange's proposed MPID Fee at $150 a month per MPID, with no charge associated with a Members' first MPID, is lower than Nasdaq's MPID fee of $550 per MPID, which is charged for all MPIDs used by a Nasdaq member, including a member's first MPIDs. Additionally, the Exchange believes that charging a full-month's fee for an additional MPID cancelled on or after the first business day of the month is reasonable in that it reasonably accounts for the administrative costs associated with disabling such MPIDs, and is a practice consistent with Nasdaq's similar cancellation policy in connection with its MPID fees.[12]

The Exchange believes that the proposed MPID Fee is equitable and not unfairly discriminatory because it will apply equally to all Members that choose to employ two or more MPIDs based on the number of additional MPIDs that they use to facilitate their trading on the Exchange. As stated, additional MPIDs beyond a Member's first MPID are optional, and Members may choose to trade using such additional MPIDs to achieve additional benefits and added value to support their individual business needs. Moreover, the Exchange believes the proposed fee is equitable and not unfairly discriminatory because it is proportional to the potential value or benefit received by Members with a greater number of MPIDs. That is, those Members that choose to employ a greater number of additional MPIDs have the opportunity to more effectively manage firm-wide trading activity and client-level administration, as well as potentially appeal to customers through the use of separate MPIDs, which may result in increased order flow through a Sponsoring Member. A Member may request at any time that the Exchange terminate an MPID, including MPIDs that may be under-used or superfluous, or that do not contribute additional value to a Member's participation on the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed MPID Fee will apply equally to all Members that choose to employ additional MPIDs and equally to each additional MPID. As stated, additional MPIDs are optional and Members may choose to utilize additional MPIDs, or not, based on their view of the additional benefits and added value provided by utilizing the single MPID necessary to participate on the Exchange. The Exchange believes the proposed fee will be assessed proportionately to the potential value or benefit received by Members with a greater number of MPIDs and notes that a Member may request at any time that the Exchange terminate any MPID, including those that may be under-used or superfluous, or that do not contribute additional value to a Member's participation on the Exchange.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Members have numerous

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] *See* Securities and Exchange Release Nos. 65189 (August 24, 2011), 76 FR 53990 (August 30, 2011) (SR–EDGX–2011–26); and 65188 (August 24, 2011), 76 FR 53988 (August 30, 2011) (SR–EDGA–2011–27). The Exchange notes that its affiliated exchanges' prior MPID Fees expired as a result of the integration with BATS technology, acquired by Cboe Global Markets, Inc. in 2017.

[10] The reduction in MPIDs may also demonstrate that Members are free to cancel MPIDs on the Exchange and choose, instead, to utilize unique identifiers associated with participation on other exchanges.

[11] *See* Nasdaq Price List, MPID Fees, available at *http://nasdaqtrader.com/Trader.aspx?id=PriceList Trading2*.

[12] *See id*.

alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, including over 50 alternative trading systems.[13] The Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 16% market share.[14] Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable.[15] In addition to this the Exchange notes that at least one other exchange currently has MPID fees in place,[16] which have been previously filed with the Commission. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' The fact that this market is competitive has also long been recognized by the courts. In NetCoalition v. Securities and Exchange Commission, the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .''. Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) of the Act[17] and subparagraph (f)(2) of Rule 19b–4 thereunder,[18] because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act[19] to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–CboeBYX–2021–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File No. SR–CboeBYX–2021–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–CboeBYX–2021–004, and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[20]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01583 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

[13] *See* U.S. Securities and Exchange Commission Alternative Trading Systems (''ATS'') List (December 4, 2020), available at *https://www.sec.gov/foia/docs/atslist.htm*.

[14] *See supra* note 4.

[15] *See e.g., supra* note 10.

[16] *See supra* note 11.

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f)(2).

[19] 15 U.S.C. 78s(b)(2)(B).

[20] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90952; File No. SR–NASDAQ–2020–082]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Offer Certain Listed Companies Access to a Complimentary Board Recruiting Solution To Help Advance Diversity on Company Boards

January 19, 2021.

On December 1, 2020, The Nasdaq Stock Market LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to offer certain listed companies

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

access to a complimentary board recruiting solution to help advance diversity on company boards. The proposed rule change was published for comment in the **Federal Register** on December 10, 2020.[3]

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is January 24, 2021.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change and the comment letters.[5]

Accordingly, pursuant to Section 19(b)(2) of the Act,[6] the Commission designates March 10, 2021 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–NASDAQ–2020–082).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01590 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

[3] *See* Securities Exchange Act Release No. 90571 (December 4, 2020), 85 FR 79556. Comments received on the proposed rule change are available on the Commission's website at: *https://www.sec.gov/comments/sr-nasdaq-2020-082/srnasdaq2020082.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] Additionally, the Exchange consented to extending to March 10, 2021 the date by which the Commission must either approve, disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change. *See* letter from Jeffrey S. Davis, Senior Vice President and Senior Deputy General Counsel, Exchange, to Vanessa A. Countryman, Secretary, Commission, dated January 8, 2021.

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90954; File No. SR–NASDAQ–2021–003]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Transaction Credits at Equity 7, Section 118

January 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 12, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's transaction credits at Equity 7, Section 118, as described further below.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its schedule of credits at Equity 7, Section 118, to add a new credit for executing orders in securities in all three Tapes.

Presently, the Exchange offers a member a credit of $0.0030 per share of displayed orders/quotes (other than Supplemental Orders or Designated Retail Orders) to the extent such member has shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent 1.30% or more of Consolidated Volume[3] during the month, which includes shares of liquidity provided with respect to securities that are listed on exchanges other than Nasdaq or NYSE that represent 0.40% or more of Consolidated Volume. The purpose of this credit is to incentivize members to add substantial liquidity to the Exchange, and to do so to a significant extent by adding liquidity in securities listed on exchanges other than Nasdaq or NYSE.

The Exchange now proposes to add a new, lower credit for members that meet similar criteria, albeit with less stringent volume requirements. Specifically, the Exchange proposes to provide a new credit of $0.00295 per share of displayed orders/quotes (other than Supplemental Orders or Designated Retail Orders) that provide liquidity for a member with shares of liquidity provided in all securities through one or more of its Nasdaq Market Center MPIDs that represent 0.90% or more of Consolidated Volume during the month, which includes shares of liquidity provided with respect to securities that are listed on exchanges other than Nasdaq or NYSE that represent 0.25% or more of Consolidated Volume.

By proposing to add this new tier, the Exchange will provide a new means for its members to qualify for a credit for adding significant liquidity to the Exchange in securities listed on exchanges other than Nasdaq and NYSE. This new credit will be lower than the existing credit for such activity, but members will also qualify for it by satisfying less stringent criteria. By providing an additional incentive for members to add liquidity to the Exchange in securities listed on exchanges other than Nasdaq and NYSE, the Exchange intends to improve the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Pursuant to Equity 7, Section 118(a), the term ''Consolidated Volume'' means the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of a member's trading activity the date of the annual reconstitution of the Russell Investments Indexes is excluded from both total Consolidated Volume and the member's trading activity.

overall quality and attractiveness of the market.

Impact of the Changes

Those participants that act as significant providers of liquidity to the Exchange, and who provide significant volumes of liquidity in securities listed on exchanges other than Nasdaq and NYSE, will benefit directly from the proposed addition of the new credit. Other participants will also benefit from the new credit insofar as any increase in liquidity adding activity on the Exchange will improve the overall quality of the market, to the benefit of all members.

The Exchange notes that its proposals are not otherwise targeted at or expected to be limited in their applicability to a specific segment of market participants nor will they apply differently to different types of market participants.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[4] in general, and further the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The proposal is also consistent with Section 11A of the Act relating to the establishment of the national market system for securities.

The Proposal Is Reasonable

The Exchange's proposed change to its schedule of credits is reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for equity securities transaction services that constrain its pricing determinations in that market. The fact that this market is competitive has long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [6]

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [7]

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for equity security transaction services. The Exchange is only one of several equity venues to which market participants may direct their order flow. Competing equity exchanges offer similar tiered pricing structures to that of the Exchange, including schedules of rebates and fees that apply based upon members achieving certain volume thresholds.

Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. Within the foregoing context, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

The Exchange has designed its proposed new credit to provide an additional incentive to members to increase their liquidity adding activity on the Exchange, and in particular, their liquidity adding activity in securities listed on exchanges other than Nasdaq and NYSE. An increase in liquidity adding activity on the Exchange will, in turn, improve the quality of the Nasdaq market and increase its attractiveness to existing and prospective participants.

The Exchange notes that those market participants that are dissatisfied with the new credit are free to shift their order flow to competing venues that offer them lower charges or higher credits.

The Proposal Is an Equitable Allocation of Credits

The Exchange believes its proposal will allocate its credits fairly among its market participants. It is equitable for the Exchange to establish the proposed new credit as a means of incentivizing members to provide meaningful amounts of liquidity to the Exchange, including in securities listed on exchanges other than Nasdaq and NYSE. To the extent that the Exchange succeeds in increasing liquidity on the Exchange, including liquidity adding activity in securities listed on exchanges other than Nasdaq and NYSE, then the Exchange would experience improvements in its market quality, which would benefit all market participants.

Any participant that is dissatisfied with the proposed new credit is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

The Proposed Credit Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. As an initial matter, the Exchange believes that nothing about its volume-based tiered pricing model is inherently unfair; instead, it is a rational pricing model that is well-established and ubiquitous in today's economy among firms in various industries—from co-branded credit cards to grocery stores to cellular telephone data plans—that use it to reward the loyalty of their best customers that provide high levels of business activity and incent other customers to increase the extent of their business activity. It is also a pricing model that the Exchange and its competitors have long employed with the assent of the Commission. It is fair because it incentivizes customer activity that increases liquidity, enhances price discovery, and improves the overall quality of the equity markets.

Moreover, the Exchange believes that its new proposed credit is not unfairly discriminatory because it stands to improve the overall market quality of the Exchange, to the benefit of all market participants, by incentivizing members to provide meaningful amounts of liquidity, including in securities listed on exchanges other than Nasdaq and NYSE.

Finally, any participant that is dissatisfied with the proposed new credit is free to shift their order flow to competing venues that provide more generous pricing or less stringent qualifying criteria.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4) and (5).

[6] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[7] Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (''Regulation NMS Adopting Release'').

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange does not believe that its proposal will place any category of Exchange participant at a competitive disadvantage. To the contrary, the proposed change will provide an opportunity for members that do not qualify for the $0.0030 per share executed credit to receive a lower credit based upon achieving similar, albeit lower thresholds of liquidity adding activity. Any member may elect to provide the levels of market activity required in order to receive the new credit. Furthermore, all members of the Exchange will benefit from any increase in market activity that the proposal effectuates.

Moreover, members are free to trade on other venues to the extent they believe that the proposed credit is too low or the qualification criteria are not attractive. As one can observe by looking at any market share chart, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. The Exchange notes that the tier structure is consistent with broker-dealer fee practices as well as the other industries, as described above.

Intermarket Competition

The Exchange believes that its proposal will not burden competition because the Exchange's execution services are completely voluntary and subject to extensive competition both from the multitude of other live exchanges and from off-exchange venues. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and credits to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee and credit changes in this market may impose any burden on competition is extremely limited.

The proposed new credit is reflective of this competition because, even as one of the largest U.S. equities exchanges by volume, the Exchange has less than 20% market share, which in most markets could hardly be categorized as having enough market power to burden competition. Moreover, as noted above, price competition between exchanges is fierce, with liquidity and market share moving freely between exchanges in reaction to fee and credit changes. This is in addition to free flow of order flow to and among off-exchange venues which comprises upwards of 40% of industry volume.

The Exchange's proposal is pro-competitive in that the Exchange intends for it to increase liquidity adding activity on the Exchange and thereby render the Exchange a more attractive and vibrant venue to market participants.

In sum, if the change proposed herein is unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed change will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[8]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2021–003 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–003. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–003 and should be submitted on or before February 16, 2021.

[8] 15 U.S.C. 78s(b)(3)(A)(ii).

[9] 17 CFR 200.30–3(a)(12).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01592 Filed 1–25–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90949; No. SR–NYSEArca–2021–06]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule Regarding the Limits on Fees for Options Strategy Executions

January 19, 2021.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on January 13, 2021, NYSE Arca, Inc. (''NYSE Arca'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the NYSE Arca Options Fee Schedule (''Fee Schedule'') regarding the Limit of Fees on Options Strategy Executions. The Exchange proposes to implement the fee change effective January 13, 2021. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to amend the Fee Schedule to modify the Limit of Fees on Options Strategy Executions (''Strategy Cap''), effective January 13, 2021.

Currently, the Fee Schedule provides that transaction fees for OTP Holders and OTP Firms (collectively, ''OTP Holders'') are limited or capped at $1,000 for certain options strategy executions ''on the same trading day,'' meaning it is a daily fee cap.[4] Strategy executions that qualify for the Strategy Cap are (a) reversals and conversions, (b) box spreads, (c) short stock interest spreads, (d) merger spreads, and (e) jelly rolls, which are described in detail in the Fee Schedule (the ''Strategy Executions'').[5]

The Exchange proposes to modify the Strategy Cap to offer a lower cap of $200 for those OTP Holders that trade at least 25,000 monthly billable contract sides in Strategy Executions.[6] Thus, at the end of the month, qualifying OTP Holders would have transaction fees for their Strategy Executions for each day of the month capped at $200 (as opposed to $1,000 for non-qualifying OTP Holders).[7]

For example, assume an OTP Holder executes the following Strategy Executions against interest in the Trading Crowd on the third business day of the month on behalf of a non-Customer that is not a Lead Market Maker, which participants are subject to a $0.25 per Manual transaction fee. Under the current Fee Schedule, an OTP Holder would be charged a total of $1,000 in options fees, per the daily fee cap:

- *Trade 1:* A Reversal Conversion in DEF comprised of 3,000 call options against 3,000 put options would be $1,500 (at $0.25 per execution), absent the $1,000 Strategy Cap.
- *Trade 2:* A Reversal Conversion in ABC comprised of 1,000 call options against 1,000 put options would be $500 (at $0.25 per execution), absent the Strategy Cap, but the OTP Holder, having reached the daily cap, would not be charged for these transactions.

However, if, in addition to the two trades above, the OTP Holder executes a ''jelly roll'' consisting of 5,000 October puts and 5,000 October calls against 5,000 November calls and 5,000 November puts on the fifteenth business day of the month, the total fees for these qualifying Strategy Executions under the proposed Fee Schedule would be capped at $200 for this trading day, given that the total number of contracts on day three and day fifteen is above the minimum 25,000 billable contract sides threshold. Similarly, having met this threshold, the fees charged on Trades 1 and 2 that were executed on the third business day would likewise be capped at $200. Thus, the fees for each of the third and fifteenth trading days would be capped at $200 each, for a monthly total of $400 for Strategy Executions.

The Exchange's fees are constrained by intermarket competition, as OTP Holders may direct their order flow to any of the 16 options exchanges, including another exchange that provides a cap on fees for strategy executions.[8] Thus, OTP Holders have a choice of where they direct their order flow. This proposed change is designed to incent OTP Holders to increase their Strategy Execution volumes by executing (often smaller) strategies that are not necessarily economically viable on a per symbol basis, but which may be profitable when fees on Strategy Executions—regardless of symbol—are capped for the trading day. The Exchange notes that all market participants stand to benefit from increased volume, which promotes market depth, facilitates tighter spreads and enhances price discovery, and may lead to a corresponding increase in order flow from other market participants.

The Exchange cannot predict with certainty whether any, or how many, OTP Holders would avail themselves of this proposed fee change. The Exchange believes that OTP Holders that execute Strategy Executions on the Exchange can achieve the proposed 25,000 minimum contract sides threshold to qualify for the proposed (reduced) Strategy Cap and that this proposal may encourage OTP Holders to execute (and aggregate) Strategy Executions on the

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Fee Schedule, Limit of Fees on Options Strategy Executions, *available here: https://www.nyse.com/publicdocs/nyse/markets/arca-options/NYSE_Arca_Options_Fee_Schedule.pdf.*

[5] *See id.*

[6] *See* proposed Fee Schedule, Limit of Fees on Options Strategy Executions.

[7] *See id.*

[8] *See, e.g.,* Cboe fee schedule, footnote 13. Cboe caps fees for each participant at $0.00 for the following strategies executed on the same trading day: Short stock interest, reversal, conversion, jelly roll, and merger strategies.

Exchange, which order flow would enhance price discovery.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[9] in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,[10] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Rule Change Is Reasonable

The Exchange operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [11]

The Exchange is only one of 16 options venues to which market participants may direct their order flow. Based on publicly available information, no single options exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[12] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, since November 2019, the Exchange has had less than 11% market share of executed volume of multiply-listed equity and ETF options trades.[13]

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can shift order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. Accordingly, competitive forces constrain options exchange transaction fees. Stated otherwise, modifications to exchange transaction fees can have a direct effect on the ability of an exchange to compete for order flow.

The Exchange believes that the proposed modification to the Strategy Cap is reasonable because it is designed to incent OTP Holders to increase their Strategy Executions submitted to and executed on the Exchange's Trading Floor. The Exchange offers a hybrid market system and aims to balance incentives for its OTP Holders to continue to contribute to deep liquid markets for investors on both its electronic and open outcry platforms. The Exchange notes that all market participants stand to benefit from any increase in volume transacted on the Trading Floor, which promotes market depth, facilitates tighter spreads and enhances price discovery, and may lead to a corresponding increase in order flow from other market participants.

To the extent that the proposed change attracts more Strategy Executions to the Exchange, this increased (open outcry) order flow would continue to make the Exchange a more competitive venue for order execution, which, in turn, promotes just and equitable principles of trade and removes impediments to and perfects the mechanism of a free and open market and a national market system.

Finally, to the extent the proposed change continues to attract greater volume and liquidity, the Exchange believes the proposed change would improve the Exchange's overall competitiveness and strengthen its market quality for all market participants. In the backdrop of the competitive environment in which the Exchange operates, the proposed rule change is a reasonable attempt by the Exchange to increase the depth of its market and improve its market share relative to its competitors. The Exchange's fees are constrained by intermarket competition, as OTP Holders may direct their order flow to any of the 16 options exchanges, including another exchange that provides a cap on fees for strategy executions.[14] Thus, OTP Holders have a choice of where they direct their order flow—including their Strategy Executions. The proposed rule change is designed to incent OTP Holders to direct liquidity, and specifically Strategy Executions, to the Exchange, thereby promoting market depth, price discovery and improvement and enhancing order execution opportunities for market participants.

The Exchange cannot predict with certainty whether any, or how many, OTP Holders would avail themselves of this proposed fee change. The Exchange believes that OTP Holders that execute Strategy Executions on the Exchange can achieve the proposed 25,000 minimum contract sides threshold to qualify for the proposed (reduced) Strategy Cap and that this proposal may encourage OTP Holders to execute (and aggregate) Strategy Executions on the Exchange, which order flow would enhance price discovery.

The Proposed Rule Change Is an Equitable Allocation of Credits and Fees

The Exchange believes the proposed rule change is an equitable allocation of its fees and credits. The proposal is based on the amount and type of business transacted on the Exchange and OTP Holders can opt to avail themselves of the Strategy Cap or not. The proposed Strategy Cap, as modified, applies to all qualifying Strategy Executions transacted on the Trading Floor. The Exchange believes that the proposed change would facilitate the execution of orders via open outcry, thus enhancing price discovery as a result of increased liquidity. Moreover, the proposal is designed to encourage OTP Holders to aggregate all Strategy Executions at the Exchange as a primary execution venue. To the extent that the proposed change attracts more Strategy Executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery.

The Proposed Rule Change Is Not Unfairly Discriminatory

The Exchange believes it is not unfairly discriminatory to modify the Strategy Cap because the proposed modification would be available to all similarly-situated market participants on an equal and non-discriminatory basis.

The proposal is based on the amount and type of business transacted on the Exchange and OTP Holders are not obligated to try to achieve the modified Strategy Cap, nor are they obligated to

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4) and (5).

[11] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (S7–10–04) (''Reg NMS Adopting Release'').

[12] The OCC publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/Market-Data/Market-Data-Reports/Volume-and-Open-Interest/Monthly-Weekly-Volume-Statistics.*

[13] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see id.,* the Exchange's market share in multiply-listed equity and ETF options increased from 9.65% for the month of November 2019 to 10.35% for the month of November 2020.

[14] *See supra* note 8 (regarding Cboe capped fees for strategies).

execute any Strategy Executions. Rather, the proposal is designed to encourage OTP Holders to utilize the Exchange as a primary trading venue for Strategy Executions (if they have not done so previously) or increase volume sent to the Exchange. To the extent that the proposed change attracts more Strategy Executions to the Exchange, this increased order flow would continue to make the Exchange a more competitive venue for, among other things, order execution. Thus, the Exchange believes the proposed rule change would improve market quality for all market participants on the Exchange and, as a consequence, attract more order flow to the Exchange thereby improving market-wide quality and price discovery. The resulting increased volume and liquidity would provide more trading opportunities and tighter spreads to all market participants and thus would promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Finally, the Exchange believes that it is subject to significant competitive forces, as described below in the Exchange's statement regarding the burden on competition.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act, the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for all market participants. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' [15]

Intramarket Competition. The proposed change is designed to attract additional order flow (particularly Strategy Executions) to the Exchange. The Exchange believes that the proposed modification to the Strategy Cap would incent market participants to direct their Strategy Execution volume to the Exchange. Greater liquidity benefits all market participants on the Exchange and increased Strategy Executions would increase opportunities for execution of other trading interest. The proposed reduced Strategy Cap would be available to all similarly-situated market participants that incur transaction fees on Strategy Executions, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily favor one of the 16 competing option exchanges if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow to the Exchange. Based on publicly-available information, and excluding index-based options, no single exchange has more than 16% of the market share of executed volume of multiply-listed equity and ETF options trades.[16] Therefore, no exchange possesses significant pricing power in the execution of multiply-listed equity and ETF options order flow. More specifically, in the third quarter of 2020, the Exchange had less than 11% market share of executed volume of multiply-listed equity and ETF options trades.[17]

The Exchange believes that the proposed rule change reflects this competitive environment because it modifies the Exchange's fees in a manner designed to encourage OTP Holders to direct trading interest (particularly Strategy Executions) to the Exchange, to provide liquidity and to attract order flow. To the extent that this purpose is achieved, all the Exchange's market participants should benefit from the improved market quality and increased opportunities for price improvement.

The Exchange believes that the proposed change could promote competition between the Exchange and other execution venues, including those that currently offer similar Strategy Caps, by encouraging additional orders to be sent to the Exchange for execution.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [18] of the Act and subparagraph (f)(2) of Rule 19b–4 [19] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [20] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2021–06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2021–06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use

[15] *See* Reg NMS Adopting Release, *supra* note 11, at 37499.

[16] *See supra* note 12.

[17] Based on a compilation of OCC data for monthly volume of equity-based options and monthly volume of ETF-based options, *see supra* note 13, the Exchange's market share in multiply-listed equity and ETF options increased from 9.65% for the month of November 2019 to 10.35% for the month of November 2020.

[18] 15 U.S.C. 78s(b)(3)(A).

[19] 17 CFR 240.19b–4(f)(2).

[20] 15 U.S.C. 78s(b)(2)(B).

only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2021–06, and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01588 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90955; File No. SR–NASDAQ–2021–002]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To Modify and Expand the Package of Complimentary Services Provided to Eligible Companies and Update the Values of Certain Complimentary Services

January 19, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 8, 2021, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify and expand the package of complimentary services provided to eligible companies and update the values of certain complimentary.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Nasdaq offers complimentary services under IM–5900–7 to companies listing on the Nasdaq Global and Global Select Markets in connection with an initial public offering in the United States, including American Depository Receipts (other than a company listed under IM–5101–2), upon emerging from bankruptcy, in connection with a spin-off or carve-out from another company, in connection with a direct listing as defined in IM–5315–1 (including the listing of American Depository Receipts), or in conjunction with a business combination that satisfies the conditions in Nasdaq IM–5101–2(b) (''Eligible New Listings'') and to companies (other than a company listed under IM–5101–2) switching their listing from the New York Stock Exchange (''NYSE'') to the Global or Global Select Markets, or that have switched its listing from the NYSE and listed on Nasdaq under IM–5101–2 after the company publicly announced that it entered into a binding agreement for a business combination and that subsequently satisfies the conditions in IM–5101–2(b) and lists on the Global or Global Select Market in conjunction with that business combination (''Eligible Switches'').[3] Nasdaq believes that the complimentary service program offers valuable services to newly listing companies, designed to help ease the transition of becoming a public company or switching markets, and makes listing on Nasdaq more attractive to these companies. The services offered include a whistleblower hotline, investor relations website, disclosure services for earnings or other press releases, webcasting, market analytic tools, and may include market advisory tools such as stock surveillance (collectively the ''Service Package'').[4]

Currently, Nasdaq provides complimentary services from the Service Package to the Eligible New Listings based on the following tiers:

Eligible New Listing Tier 1: An Eligible New Listing that has a market capitalization less than $750 million will receive the following complimentary services for two years: Whistleblower Hotline, Investor Relations website, $15,000 per year of Disclosure Services, Audio Webcasting and Market Analytic Tools for two users. The total retail value of these services is reflected in the existing rule as approximately $75,500 per year. In addition, one-time development fees of approximately $5,000 to establish the services in the first year will be waived.[5]

Eligible New Listing Tier 2: An Eligible New Listing that has a market capitalization of $750 million or more but less than $5 billion will receive the following complimentary services for two years: Whistleblower Hotline, Investor Relations website, $20,000 per year of Disclosure Services, Audio Webcasting, Market Analytic Tools for two users and the choice of one Market Advisory Tool. The total retail value of these services is reflected in the existing rule as up to approximately $137,000 per year. In addition, one-time

[21] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Listing Rule IM–5900–7. Companies switching from a national securities exchange other than the NYSE are not eligible to receive complimentary services under IM–5900–7.

[4] In addition, all companies listed on Nasdaq receive other standard services from Nasdaq, including Nasdaq Online and the Market Intelligence Desk.

[5] Listing Rule IM–5900–7(c)(1). In this proposed rule change, Nasdaq proposes to update the value of certain of the services and the approximate retail value of the package offered to each of the tiers of services.

development fees of approximately $5,000 to establish the services in the first year will be waived.[6]

Eligible New Listing Tier 3: An Eligible New Listing that has a market capitalization of $5 billion or more will receive the following complimentary services for two years: Whistleblower Hotline, Investor Relations website, $20,000 per year of Disclosure Services, Audio Webcasting, Market Analytic Tools for two users and the choice of two Market Advisory Tools. The total retail value of these services is reflected in the existing rule as up to approximately $181,000 per year. In addition, one-time development fees of approximately $5,000 to establish the services in the first year will be waived.[7]

Nasdaq also provides certain complimentary services from the Service Package to the Eligible Switches based on the following tiers:

Eligible Switch Tier 1: An Eligible Switch that has a market capitalization less than $750 million will receive the following complimentary services for two years: Whistleblower Hotline, Investor Relations website, $15,000 per year of Disclosure Services, Audio Webcasting and Market Analytic Tools for two users. The total retail value of these services is reflected in the existing rule as approximately $75,500 per year. In addition, one-time development fees of approximately $5,000 to establish the services in the first year will be waived.[8]

Eligible Switch Tier 2: An Eligible Switch that has a market capitalization of $750 million or more but less than $5 billion will receive the following complimentary services for four years: Whistleblower Hotline, Investor Relations website, $20,000 per year of Disclosure Services, Audio Webcasting, Market Analytic Tools for three users and the choice of one Market Advisory Tool. The total retail value of these services is reflected in the existing rule as up to approximately $150,000 per year. In addition, one-time development fees of approximately $5,000 to establish the services in the first year will be waived.[9]

Eligible Switch Tier 3: An Eligible Switch that has a market capitalization of $5 billion or more will receive the following complimentary services for four years: Whistleblower Hotline, Investor Relations website, $20,000 per year of Disclosure Services, Audio Webcasting, Market Analytic Tools for four users and the choice of two Market Advisory Tools. The total retail value of these services is reflected in the existing rule as up to approximately $207,000 per year. In addition, one-time development fees of approximately $5,000 to establish the services in the first year will be waived.[10]

Based on Nasdaq's experience with offering the Service Package to the Eligible New Listings and Eligible Switches, as well as in response to changes in the competitive landscape, Nasdaq proposes to simplify the structure of the Service Package by eliminating Tier 3 for Eligible New Listings, extending the complimentary services period for the Eligible New Listings from two to three years and including Media Monitoring/Social Listening service, Virtual Event service, and certain ESG services, as described in more detail below, in the complimentary service package for Eligible New Listings and Eligible Switches.

To improve transparency and ease the application of the rules, Nasdaq proposes to adopt Listing Rule IM 5900–7A to describe the current Service Package, applicable to eligible companies that list before the effective date of this proposed rule change. Listing Rule IM 5900–7 is intended to be substantively identical to Listing Rule IM 5900–7A, except as modified by this proposal (the ''New Service Package''). Accordingly, Listing Rule IM 5900–7 will describe the service package for eligible companies listing on or after the effective date of this SR–NASDAQ–2021–002, whereas Listing Rule IM 5900–7A will describe the service package for eligible companies that listed before the effective date of this SR–NASDAQ–2021–002. To that end, Nasdaq proposes to update the title of Listing Rule IM–5700–7.

Under the proposal, the New Service Package will include the Media Monitoring/Social Listening service. This service tracks coverage of company mentions, news and events across online and social media and has a retail value of approximately $12,000 per year. The New Service Package will also include a Virtual Event service. Through this service a company will receive access to a virtual event platform for one investor or capital market day presentation event. A company is eligible to receive this service once in the period during which the company is eligible to receive services from the New Service Package. This service has a retail value of approximately $20,400.

Given the increased attention from shareholders and other stakeholders to Environmental, Social and Governance (ESG) disclosure, Nasdaq proposes to offer Eligible Switches and Eligible New Listings an ESG Core service. Through this service, companies will receive access to a software solution that will simplify the gathering, tracking, approving, managing and disclosing of ESG data, including the most universal and useful ESG metrics to provide insight into the sustainability performance of the company. This service has a retail value of approximately $20,000 per year. In addition, one-time development fees of approximately $1,000 to establish the product in the first year will be waived.[11]

Nasdaq also proposes to offer Eligible New Listings and Eligible Switches that have a market capitalization of $750 million or more an ESG Education & Sector Benchmarking Services, whereby companies will receive access to ESG education, insight and sector benchmarks to help them understand the ESG landscape. The education provided will include insight into capital invested in ESG strategies, overview of ESG frameworks, insight into ESG rating providers and other ESG information. The sector benchmarks will provide transparency into aggregated ESG disclosure practices for the company's specified sector. This service has a retail value of approximately $30,000 per year.

As such, under the proposal, Eligible New Listings and Eligible Switches that have a market capitalization less than $750 million will be eligible to receive the ESG Core Service. Eligible New Listings and Eligible Switches that have a market capitalization of $750 million or more will be eligible to receive the ESG Core Service and the ESG Education & Sector Benchmarking Service.

The Exchange believes that offering the Media Monitoring/Social Listening service, the Virtual Event service, and the ESG services, as described above, to newly public companies will help them fulfill their responsibilities as public companies and provide information important for communicating with their investors. However, no company is required to use these services as a condition of listing. As is the case with other complimentary services, at the end of the package term, companies may

[6] Listing Rule IM–5900–7(c)(2).

[7] Listing Rule IM–5900–7(c)(3).

[8] Listing Rule IM–5900–7(d)(1).

[9] Listing Rule IM–5900–7(d)(2).

[10] Listing Rule IM–5900–7(d)(3).

[11] The Service Package currently provides that one-time development fees of approximately $5,000 to establish the services in the first year will be waived for Eligible New Listings and Eligible Switches. With the additional waiver of one-time development fees of approximately $1,000, the New Service Package provides that one-time development fees of approximately $6,000 will be waived.

choose to renew these services or discontinue them. If a company chooses to discontinue the services, there would be no affect on the company's continued listing on the Exchange.

Finally, Nasdaq proposes to update the values of the services contained in Listing Rules IM–5900–7, IM–5900–8, and proposed IM–5900–7A to their current values. Depending on a company's market capitalization and whether it is an Eligible New Listing or an Eligible Switch, the total revised value of the services provided in the New Service Package ranges from $238,200 to $1,118,000, and one-time development fees of approximately $6,000 are waived.[12]

Nasdaq notes that no other company will be required to pay higher fees as a result of the proposed amendments and represents that providing this service will have no impact on the resources available for its regulatory programs.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[13] in general, and furthers the objectives of Section 6(b)(5) of the Act,[14] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. It is also consistent with this provision because it is not designed to permit unfair discrimination between issuers. Nasdaq also believes that the proposed rule change is consistent with the provisions of Sections 6(b)(4) [15] and 6(b)(8),[16] in that the proposal is designed, among other things, to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members and issuers and other persons using its facilities and that the rules of the Exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

Nasdaq faces competition in the market for listing services,[17] and competes, in part, by offering valuable services to companies. Nasdaq believes that it is reasonable to offer complimentary services to attract and retain listings as part of this competition. All similarly situated companies are eligible for the same package of services. Nasdaq previously created different tiers of services based on a market capitalization. Nasdaq believes that it is appropriate to offer different services based on a company's market capitalization given that larger companies generally will need more and different governance, communication and intelligence services.[18]

Nasdaq believes offering the ESG Core service and the ESG Education & Sector Benchmarking service which, in part, provide access to ESG education and promote disclosure of ESG data, including the most universal and useful ESG metrics to provide insight into the sustainability performance of companies promotes just and equitable principles of trade and protects investors and the public interest by allowing Nasdaq listed companies to enhance ESG disclosure relevant to shareholders investment decisions. Nasdaq believes that by making this service available more companies will seek to enhance their ESG disclosure to achieve these benefits. However, no company is required to use this service.

Nasdaq believes that offering different ESG services based on a company's market capitalization is not unfairly discriminatory because larger companies generally will need more and different ESG services. The distinction based on market capitalization is also clear and transparent.

Nasdaq believes that it is appropriate to eliminate the third tier for Eligible New Listings that have a market capitalization of $5 billion or more because it simplifies the structure of the New Service Package by removing one level of discrimination among the Eligible New Listings.[19] Nasdaq believes that the removal this tier is not unfairly discriminatory because all similarly situated companies are eligible for the same package of services.

Similarly, Nasdaq believes that offering Media Monitoring/Social Listening service and Virtual Event service, as described above, to newly public companies promotes just and equitable principles of trade and protects investors and the public interest by helping Eligible New Listings and Eligible Switches fulfill their responsibilities as public companies through enhanced stakeholder engagement. However, no company is required to use this service.

Nasdaq believes that it is appropriate to offer complimentary services for a longer period to Eligible New Listings that list after approval of this proposal than the period for which such services are provided to companies already listed on Nasdaq. The purpose of the proposal is to attract future listings and this competitive purpose would not be served by providing the complimentary services for an extended period to companies that are already listed.

In addition, the Exchange expects that companies that consider listing on Nasdaq after the proposal is approved will take the enhanced offering into account when choosing their listing market and budgeting for their needs that are met by the complimentary services, whereas existing listed companies will have made their market choice and undertaken their financial planning on the basis of the current services offering and will not in any way be harmed by the proposed change. Based on the above, the Exchange believes that, upon approval of this proposal, the complimentary services will be equitably allocated among issuers as required by Section 6(b)(4) of the Act and the proposal does not unfairly discriminate among issuers as required by Section 6(b)(5) of the Act.

As a result of extending the complimentary services period for the Eligible New Listings from two to three years, an Eligible New Listing that has a market capitalization less than $750 million will receive the complimentary services for three years, whereas an Eligible Switch that has a market capitalization less than $750 million will continue to receive the complimentary services for two years. Nasdaq believes that this distinction is not unfairly discriminatory because an Eligible Switch that has a market capitalization less than $750 million, generally, already received certain complimentary services while listed on the NYSE. In addition, the NYSE recently extended the period for the complimentary services provided to eligible new listings and eligible transfer

[12] The exact values are set forth in proposed IM–5900–7, IM–5900–8 and IM–5900–7A. Under the current rule the stated value of the services provided ranges from $151,000 to $828,000, and one-time development fees of approximately $5,000 are waived. In describing the total value of the services for companies that can select more than one market advisory tool, Nasdaq presumes that a company would use stock surveillance, which has an approximate retail value of $56,500, and global targeting, which has an approximate retail value of $48,000 as revised ($44,000 previously). Companies could, of course, select different combinations of the three services offered, but these other combinations would have lower total approximate retail values.

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78f(4).

[16] 15 U.S.C. 78f(8).

[17] The Justice Department has noted the intense competitive environment for exchange listings. *See* ''NASDAQ OMX Group Inc. and Intercontinental Exchange Inc. Abandon Their Proposed Acquisition Of NYSE Euronext After Justice Department Threatens Lawsuit'' (May 16, 2011), available at *http://www.justice.gov/atr/public/press_releases/2011/271214.htm.*

[18] Exchange Act Release No. 65963, 76 FR at 79265.

[19] Nasdaq does not propose changes to the tier structure for Eligible Switches.

companies from 24 months to 48 months.[20] As stated above, Nasdaq faces competition in the market for listing services, and competes, in part, by offering valuable services to companies. Accordingly Nasdaq believes that it is reasonable to enhance complimentary services to attract Eligible New Listings as part of this competition.

The Commission has previously indicated pursuant to Section 19(b) of the Exchange Act [21] that updating the values of the services within the rule is necessary,[22] and Nasdaq does not believe this update has an effect on the allocation of fees nor does it permit unfair discrimination, as issuers will continue to receive the same services, except for the additional services described above. Further, this update will enhance the transparency of Nasdaq's rules and the value of the services it offers companies, thus promoting just and equitable principles of trade. As such, the proposed rule change is consistent with the requirements of Section 6(b)(4) and (5) of the Exchange Act.

Finally, Nasdaq notes that the proposed change to update the title in IM–5900–7 is consistent with Section 6(b)(5) of the Exchange Act because it will clarify the rule without making any substantive change.

Nasdaq represents, and this proposed rule change will help ensure, that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed, which the Commission has previously stated would raise unfair discrimination issues under the Exchange Act.[23]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As noted above, Nasdaq faces competition in the market for listing services, and competes, in part, by offering valuable services to companies. The proposed rule changes reflect that competition, but do not impose any burden on the competition with other exchanges. Other exchanges can also offer similar services to companies, thereby increasing competition to the benefit of those companies and their shareholders. Accordingly, Nasdaq does not believe the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NASDAQ–2021–002 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2021–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2021–002 and should be submitted on or before February 16, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01593 Filed 1–25–21; 8:45 am]

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[20] Exchange Act Release No. 90466 (November 20, 2020), 85 FR 76129 (November 27, 2020) (SR–NYSE–2020–94).

[21] 15 U.S.C. 78s(b).

[22] *See* Exchange Act Release No. 72669 (July 24, 2014), 79 FR 44234 (July 30, 2014) (SR–NASDAQ–2014–058) (footnote 39 and accompanying text: ''We would expect Nasdaq, consistent with Section 19(b) of the Exchange Act, to periodically update the retail values of services offered should they change. This will help to provide transparency to listed companies on the value of the free services they receive and the actual costs associated with listing on Nasdaq.'').

[23] *See* Exchange Act Release No. 79366, 81 FR 85663 at 85665 (citing Securities Exchange Act Release No. 65127 (August 12, 2011), 76 FR 51449, 51452 (August 18, 2011) (approving NYSE–2011–20)).

[24] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–86, OMB Control No. 3235–0080]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:
Rule 12d2–2 and Form 25

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of

extension of the existing collection of information provided for in Rule 12d2–2 (17 CFR 240.12d2–2) and Form 25 (17 CFR 249.25) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

On February 12, 1935, the Commission adopted Rule 12d2–2 [1] and Form 25, under the Securities Exchange Act of 1934 (''Act''), to establish the conditions and procedures under which a security may be delisted from an exchange and withdrawn from registration under Section 12(b) of the Act.[2] The Commission adopted amendments to Rule 12d2–2 and Form 25 in 2005.[3] Under the adopted Rule 12d2–2, all issuers and national securities exchanges seeking to delist and deregister a security in accordance with the rules of an exchange must file the adopted version of Form 25 with the Commission. The Commission also adopted amendments to Rule 19d–1 under the Act to require exchanges to file the adopted version of Form 25 as notice to the Commission under Section 19(d) of the Act. Finally, the Commission adopted amendments to exempt standardized options and security futures products from Section 12(d) of the Act. These amendments are intended to simplify the paperwork and procedure associated with a delisting and to unify general rules and procedures relating to the delisting process.

Form 25 is useful because it informs the Commission that a security previously traded on an exchange is no longer traded. In addition, Form 25 enables the Commission to verify that the delisting and/or deregistration has occurred in accordance with the rules of the exchange. Further, Form 25 helps to focus the attention of delisting issuers to make sure that they abide by the proper procedural and notice requirements associated with a delisting and/or deregistration. Without Rule 12d2–2 and Form 25, as applicable, the Commission would be unable to fulfill its statutory responsibilities.

There are 24 national securities exchanges that could possibly be respondents complying with the requirements of the Rule and Form 25.[4] The burden of complying with Rule 12d2–2 and Form 25 is not evenly distributed among the exchanges, however, since there are many more securities listed on the New York Stock Exchange, the NASDAQ Stock Market, and NYSE American than on the other exchanges. However, for purposes of this filing, the Commission staff has assumed that the number of responses is evenly divided among the exchanges. Since approximately 830 responses under Rule 12d2–2 and Form 25 for the purpose of delisting and/or deregistration of equity securities are received annually by the Commission from the national securities exchanges, the resultant aggregate annual reporting hour burden would be, assuming on average one hour per response, 830 annual burden hours for all exchanges (24 exchanges × an average of 34.6 responses per exchange × 1 hour per response). In addition, since approximately 110 responses are received by the Commission annually from issuers wishing to remove their securities from listing and registration on exchanges, the Commission staff estimates that the aggregate annual reporting hour burden on issuers would be, assuming on average one reporting hour per response, 110 annual burden hours for all issuers (110 issuers × 1 response per issuer × 1 hour per response). Accordingly, the total annual hour burden for all respondents to comply with Rule 12d2–2 is 940 hours (830 hours for exchanges + 110 hours for issuers). The total related internal compliance cost associated with these burden hours is $201,615 ($166,415 for exchanges plus $35,200 for issuers).

The collection of information obligations imposed by Rule 12d2–2 and Form 25 are mandatory. The response will be available to the public and will not be kept confidential.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) David Bottom, Director/Chief Information Officer, Securities and Exchange Commission, c/o Cynthia Roscoe, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: Janaury 21, 2021.

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01663 Filed 1–25–21; 8:45 am]

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[1] *See* Securities Exchange Act Release No. 98 (February 12, 1935).

[2] *See* Securities Exchange Act Release No. 7011 (February 5, 1963), 28 FR 1506 (February 16, 1963).

[3] *See* Securities Exchange Act Release No. 52029 (July 14, 2005), 70 FR 42456 (July 22, 2005).

[4] The staff notes that a few of these 24 registered national securities exchanges only have rules to permit the listing of standardized options, which are exempt from Rule 12d2–2 under the Act. Nevertheless, the staff counted national securities exchanges that can only list options as potential respondents because these exchanges could potentially adopt new rules, subject to Commission approval under Section 19(b) of the Act, to list and trade equity and other securities that have to comply with Rule 12d2–2 under the Act. Notice registrants that are registered as national securities exchanges solely for the purposes of trading securities futures products have not been counted since, as noted above, securities futures products are exempt from complying with Rule 12d–2–2 under the Act and therefore do not have to file Form 25.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90948; File No. SR–FICC–2020–015]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Order Approving Proposed Rule Change To Include Same-Day Settling Trades in the Risk Management, Novation, Guarantee, and Settlement Services of the Government Securities Division's Delivery-Versus-Payment Service, and Make Other Changes

January 19, 2021.

On November 19, 2020, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] proposed rule change SR–FICC–2020–015 (the ''Proposed Rule Change'') to (1) expand FICC's provision of central counterparty services to include the start leg of certain repurchase agreement (''repo'') transactions, and (2) enable participating FICC members to pair-off and settle certain offsetting obligations, as described more fully below.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On November 19, 2020, FICC also filed the proposals contained in the Proposed Rule Change as advance notice SR–FICC–2020–803 (the ''Advance Notice'') with the Commission pursuant to Section 806(e)(1) of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act''), 12 U.S.C. 5465(e)(1), and Rule 19b–4(n)(1)(i) of the Act, 17 CFR 240.19b–4(n)(1)(i). Notice of filing of the Advance Notice was published in the **Federal Register** on December 29, 2020. Securities Exchange Act Release No. 90736 (December 21, 2020), 85 FR 85743 (December 29, 2020) (File No. SR–FICC–2020–803) (''Notice of Filing''). The Commission received no comment letters in response to the Notice of Filing.

Proposed Rule Change was published for public comment in the **Federal Register** on December 8, 2020,[4] and the Commission received no comment letters regarding the changes proposed therein. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

I. Description of the Proposed Rule Change

A. Background

FICC, through its Government Securities Division (''GSD''), serves as a central counterparty (''CCP'') and provider of clearance and settlement services for cash-settled U.S. Treasury securities.[5] Among its services, FICC provides real-time trade matching, clearing, risk management, and netting for repo transactions in U.S. Treasury securities in which all securities delivery obligations are made against full payment (''delivery-versus-payment'' or ''DVP'') (the ''DVP Service'').[6]

DVP repos involve a pair of transactions between two parties. The first transaction (the ''Start Leg'') consists of the sale of securities, in which one party delivers securities in exchange for the other party's delivery of cash. The second transaction (the ''End Leg'') occurs on a date after that of the Start Leg and consists of the repurchase of securities, in which the obligations to deliver cash and securities are the reverse of the Start Leg. The parties agree to the terms of the trade, including the specific securities, principal amount, interest rate, haircut, and date of maturity (*i.e.,* either overnight or term).

A DVP repo that is scheduled to start one or more business days after the submission of trade details to FICC is a ''forward starting'' repo. A DVP repo that is scheduled to start on the same business day as trade details are submitted to FICC is a ''same-day starting'' repo. For forward starting repos, FICC acts as CCP for both the Start Leg and the End Leg. However, since the inception of the DVP Service, for same-day starting repos, FICC generally has acted as CCP for the End Leg only.[7] Although FICC does not currently novate the Start Leg of same-day starting repos, FICC collects margin from the parties for the End Leg on the scheduled settlement date of the Start Leg.[8] Currently, the parties to a same-day starting repo settle the Start Leg bilaterally outside of FICC.

The first step in the clearance and settlement process of a DVP repo is for the parties to submit the trade details to FICC.[9] Upon receipt, FICC validates the trade details in a procedure referred to in FICC's Rules as ''Trade Comparison,'' which culminates in the legally binding and enforceable contract between FICC and the parties to the trade.[10] There are different types of Trade Comparisons, depending on which entity submits the trade details to FICC, and the procedures, timing, and other applicable operational arrangements vary depending on the type. For example, a Bilateral Comparison occurs when the individual FICC members that are the parties to a trade each submit trade details to FICC.[11] A Demand Comparison occurs when an Inter-Dealer Broker (''IDB'') or qualifying non-IDB repo broker [12] (each, a ''Repo Broker'') submits trade details to FICC on behalf of both parties to a trade.[13]

FICC generally novates and guarantees settlement of a trade upon Trade Comparison.[14] Additionally, on a daily basis, FICC aggregates and matches a member's offsetting obligations resulting from the member's trades, thereby netting the member's total daily settlement obligations.[15] In the DVP Service, such netting takes place the night before the scheduled settlement date of whichever leg of the repo would settle on the following business day.[16]

Trades that settle bilaterally outside of FICC do not have the benefit of FICC's CCP services, and therefore, such trades can be subject to greater risk of settlement fails.[17] Moreover, trades facilitated by a Repo Broker that settle outside of FICC require multiple bilateral securities movements between the parties to the trade and the Repo Broker. The greater the number of bilateral securities movements involved in trade settlement, the greater the potential for operational risk resulting in settlement fails. If the Start Leg of a DVP repo submitted by a Repo Broker fails to settle on the original scheduled settlement date, FICC currently steps in that evening as CCP and assumes responsibility for settling the trade.[18] This process may involve FICC receiving securities from the failing party or netting the settlement obligations arising from the Start Leg against those of the End Leg of the same or another repo. FICC states that although its current process of centralizing the settlement of such failed Start Legs decreases further

[4] Securities Exchange Act Release No. 90551 (December 2, 2020), 85 FR 79051 (December 8, 2020) (File No. SR–FICC–2020–015) (''Notice'').

[5] FICC is composed of two divisions: GSD and the Mortgage-Backed Securities Division (''MBSD''). GSD provides real-time trade matching, clearing, risk management, and netting for trades in U.S. government debt issues. MBSD provides real-time automated trade matching, trade confirmation, risk management, netting, and electronic pool notification to the mortgage-backed securities (''MBS'') market. The Proposed Rule Change deals solely with proposed changes to the GSD Rulebook (''Rules''), which are *available at http://www.dtcc.com/legal/rules-and-procedures.*

[6] In addition to the DVP Service, FICC also facilitates trading other types of repos. FICC's General Collateral Finance (''GCF'') Repo® Service enables members to trade general collateral finance repos based on rate, term, and underlying product throughout the day on a blind basis. *See* Rule 20—Special Provisions for GCF Repo Transactions, *supra* note 5. FICC's Centrally Cleared Institutional Triparty (''CCIT'') Service enables trading of tri-party repos between members that participate in the GCF Repo Service and members that are institutional cash lenders (other than investment companies registered under the Investment Company Act of 1940, as amended). *See* Rule 3B—CCIT Service, *supra* note 5. Unlike the DVP Service, the GCF Repo and CCIT Services settle via the triparty platform of a clearing bank. The Proposed Rule Change proposes changes specific to the DVP Service.

[7] There is one limited scenario in which FICC currently acts as CCP for the Start Leg of a brokered same-day starting repo. Specifically, if the Start Leg fails to settle on its original scheduled settlement date, FICC currently assumes responsibility for settlement of the Start Leg on the evening of the original scheduled settlement date. *See* Notice, *supra* note 4 at 79052.

[8] *See* Notice, *supra* note 4 at 79052, 58.

[9] Trade details may be submitted to FICC by, or on behalf of, a member in a form, manner, and timeframe prescribed by FICC's Rules. *See* Rule 5—Comparison System, *supra* note 5.

[10] *Id.*

[11] *See* Rule 6A—Bilateral Comparison, *supra* note 5.

[12] For purposes of the Proposed Rule Change, both IDBs and non-IDB repo brokers are FICC members. A qualifying non-IDB repo broker is one that FICC has determined: (1) Operates as a broker with regard to activity in a segregated repo account, and (2) agrees and participates in FICC's repo netting service in the same manner as an IDB that participates in the service. *See* Rule 1—Definitions, *supra* note 5.

[13] *See* Rule 6B—Demand Comparison, *supra* note 5.

[14] *See* Rule 5—Comparison System, *supra* note 5.

[15] *See* Rule 11—Netting System, *supra* note 5.

[16] *See* Notice, *supra* note 4 at 79054–55.

[17] There are several risk factors inherent to trades that clear bilaterally as opposed to trades that clear through a CCP. For example, the credit risk associated with bilaterally cleared trades remains with the original counterparties, who might not utilize robust and transparent margin requirements, multilateral netting, emergency liquidity and loss sharing arrangements, or other risk mitigation measures. *See* U.S. Department of the Treasury Report, *A Financial System That Creates Economic Opportunities: Capital Markets* at 78, 81 (October 2017), *available at https://www.treasury.gov/press-center/press-releases/documents/a-financial-system-capital-markets-final-final.pdf; Joint Staff Report: The U.S. Treasury Market* at 55 (October 15, 2014), *available at https://www.treasury.gov/press-center/press-releases/Documents/Joint_Staff_Report_Treasury_10-15-2014.pdf;* Treasury Market Practices Group, *White Paper on Clearing and Settlement in the Secondary Market for U.S. Treasury Securities* at 2–4 (July 11, 2019), *available at https://www.newyorkfed.org/medialibrary/Microsites/tmpg/files/CS_FinalPaper_071119.pdf.*

[18] *See* Section 5, Rule 19—Special Provisions for Brokered Repo Transactions, *supra* note 5.

settlement risk, the current process is operationally inefficient because it does not eliminate the multiple securities movements that give rise to the risk of settlement fails.[19]

B. Proposed Same-Day Settling Service

FICC states that its members have expressed an interest in FICC acting as CCP for the Start Leg of same-day starting repos.[20] FICC proposes to modify its Rules to include the Start Leg of same-day starting repos in the risk management, novation, guarantee, and settlement services of the DVP Service (the ''Same-Day Settling Service''). Upon Trade Comparison, FICC would act as CCP for the Start Leg of same-day starting repos, which would settle on the same business day. FICC's margin collection with respect to the trade would not change from the current process. After FICC's novation, if the Start Leg were to fail, the parties' obligations to and from FICC would go through the netting process that evening, and FICC would continue to apply the margin amounts collected with respect to the trade towards FICC's risk management of the End Leg.

FICC believes that the Same-Day Starting Service could increase settlement efficiencies and decrease settlement risk because it would eliminate the movement of securities between members by centralizing the settlement of the Start Leg of same-day starting repos with FICC.[21] Moreover, for same-day starting repos submitted by Repo Brokers, the Same-Day Settling Service would remove the Repo Broker from the settlement process by eliminating the multiple bilateral securities movements involved in the settlement of the Start Leg.

1. Voluntary for Repo Brokers; Mandatory for Other Members

FICC proposes to make participation in the proposed Same-Day Settling Service voluntary for Repo Brokers. Repo Brokers often provide a suite of services to their clients, including facilitating the bilateral settlement of the Start Leg of same-day starting repos. FICC states that a requirement on Repo Brokers to participate in the Same-Day Settling Service could disrupt the current service offerings from Repo Brokers to their clients.[22] Since Repo Brokers submit trade details to FICC on behalf of both parties to a trade, a Repo Broker opting out of the Same-Day Settling Service would simply result in settlement of the Start Leg bilaterally outside of FICC, as is done currently. FICC believes that providing optionality would allow Repo Brokers and their clients to determine whether a Repo Broker should participate in the Same-Day Settling Service.[23] For participating Repo Brokers, FICC would no longer assume responsibility for a failed Start Leg because FICC would already be acting as CCP for the Start Leg upon Trade Comparison.

For FICC's members that are not Repo Brokers, participation in the Same-Day Settling Service would be mandatory. Unlike Repo Brokers, FICC's individual members submit trade details with respect to their own side of a trade only, such that Trade Comparison only occurs after FICC validates the trade details submitted by both parties to the trade.[24] Accordingly, if one party to a same-day starting repo could choose to opt out of the Same-Day Settling Service, FICC would not be able to act as CCP with equal and opposite settlement obligations between the two parties. Such trades would, therefore, need to settle outside of FICC as they do currently. However, unlike the clients of a Repo Broker, such members would not know in advance whether any given Start Leg would settle with FICC as CCP or bilaterally outside of FICC. By requiring such members to participate in the Same-Day Settling Service, members would have certainty that their Compared Trades would settle with FICC acting as CCP.

2. As-Of Trades

For purposes of the Proposed Rule Change, same-day starting repos would include As-Of Trades,[25] in which a member submits a DVP repo for comparison on the business day after the scheduled settlement date for the Start Leg, and the End Leg is the current business day or thereafter. FICC states that members occasionally submit As-Of Trades due to human or operational errors.[26] FICC further states that it included As-Of Trades in the Proposed Rule Change in order to reasonably include as many variations of same-day starting repos as possible to ensure that FICC would provide consistent settlement processing for all same-day starting repos.[27]

Currently, the Start Leg of an As-Of Trade settles outside of FICC. An End Leg scheduled to settle on the current business day also settles outside of FICC. However, an End Leg scheduled to settle on a date after the current business day settles with FICC acting as CCP. FICC proposes to act as CCP with respect to both the Start and End Legs of a same-day starting repo, regardless of the timing of the respective scheduled settlement dates.

3. Settlement at Contract Value or System Value

As mentioned above, netting in the DVP Service occurs the night before the scheduled settlement date. Because settlement of Start Legs within the Same-Day Settling Service would occur on the same business day as Trade Comparison, such transactions would generally not be netted.[28] Instead, FICC would settle such transactions on a trade-for-trade basis. Transactions that FICC settles on a trade-for-trade basis (*i.e.,* transactions that are not netted) settle at ''Contract Value,'' which means the dollar value at which the transaction is to be settled on the scheduled settlement date.[29] Transactions that settle on a future date (*i.e.,* transactions that are netted) settle at ''System Value,'' which includes accrued interest. For consistency with the foregoing, FICC proposes to clarify the Rules with respect to the Same-Day Settling Service to reflect that any leg of a DVP repo to be settled on a trade-for-trade basis would settle at Contract Value, whereas any leg to be settled on a future date would settle at System Value.[30]

4. Late-Day Compared Trades

FICC states that members occasionally execute same-day starting repos after the close of the Fedwire Securities Service (''Fedwire''), which is the service that members generally use for settling bilateral securities obligations.[31]

[19] *See* Notice, *supra* note 4 at 79052–53.

[20] *See* Notice, *supra* note 4 at 79052.

[21] *See* Notice, *supra* note 4 at 79052–53, 58.

[22] *See* Notice, *supra* note 4 at 79054, 58.

[23] *Id.*

[24] See Rule 6A—Bilateral Comparison, supra note 5.

[25] See Rule 1, *supra* note 5.

[26] *See* Notice, *supra* note 4 at 79053.

[27] *Id.*

[28] The Start Leg of same-day starting repos would be netted in the limited scenario of a brokered repo settlement fail on the scheduled settlement date. *See supra* note 7; Notice, *supra* note 4 at 79052.

[29] *See* Rule 1—Definitions, *supra* note 5.

[30] For example, for an overnight repo that is an As-Of Trade, both legs would settle at Contract Value because both would settle on the date of Trade Comparison and therefore would not be netted. For an overnight repo that is a same-day starting repo, the Start Leg would settle on the date of Trade Comparison at Contract Value, whereas the End Leg would be netted that evening and settle the following business day at System Value. For an overnight repo that is forward starting (*i.e.,* both legs would settle on dates in the future), both legs would be subject to netting and settle at System Value. Notice, *supra* note 4 at 79054.

[31] The Fedwire is a service provided by the Federal Reserve Banks that includes settlement and transfer of DVP securities transactions. The Fedwire operates daily from 8:30 a.m. to 3:30 p.m. (All times herein are Eastern Time.) *See* Fedwire and National

Continued

Currently, such trades settle bilaterally between the parties outside of FICC, provided that both parties use the same clearing bank for settlement. FICC proposes to include such late-day trades in the Same-Day Settling Service (*i.e.,* FICC proposes to act as CCP for the Start Leg) on a reasonable efforts basis, meaning that FICC would attempt to contact the parties to the trade and FICC's clearing bank to confirm agreement to settle the trade.[32]

Specifically, for members that clear at FICC's clearing bank, FICC would attempt to settle any same-day starting repos that are compared between 3:01 p.m. and 5:00 p.m., provided that (1) FICC is able to contact the parties to the trade and FICC's clearing bank, and (2) the parties and FICC's clearing bank agree to settle the trade. For members that do not clear at FICC's clearing bank, FICC proposes to attempt to settle, on a reasonable efforts basis, same-day starting repos that are compared during the Fedwire reversal period between 3:01 p.m. and 3:30 p.m., provided that (1) FICC is able to contact FICC's clearing bank and the parties to the trade, (2) FICC's clearing bank and the parties to the trade confirm agreement to settle the trade, and (3) FICC's clearing bank, the member's clearing bank, and the Federal Reserve Bank of New York each permit settlement of the trade.

5. Other Changes to FICC's Rules To Incorporate the Same-Day Settling Service

FICC proposes changes to several Rule provisions to ensure the relevant applicability of such provisions to the Same-Day Settling Service. FICC proposes to add a newly defined term ''Same-Day Settling Trade'' to capture the universe of DVP repos that would be covered by the Same-Day Settling Service. FICC proposes to modify the definitions of ''Deliver Obligation'' and ''Receive Obligation'' to include references to Same-Day Settling Trades. FICC proposes to modify the definitions of ''Settlement Value'' and ''System Value'' to contemplate that Same-Day Settling Trades could settle at Contract Value or System Value, depending on the circumstances of the trade, as described above.

FICC proposes to incorporate Same-Day Settling Trades into the existing Rule provisions governing the Comparison System and Netting System. FICC proposes to add Rule provisions addressing eligibility requirements for Same-Day Settling Trades to qualify for FICC's novation and settlement guarantee. FICC proposes to incorporate Same-Day Settling Trades into the Rule provisions governing how parties satisfy their obligations to FICC, including trades that become uncompared or canceled. FICC proposes to incorporate Same-Day Settling Trades into the Rule provisions dealing with settlement fails. Finally, FICC proposes to include appropriate cross-references to ensure that various Rule provisions related to general securities settlement apply to Same-Day Settling Trades.

C. Proposed Pair-Off Service

Settlement fails occur because one party does not have inventory to settle with the other party on the scheduled settlement date. Currently, a member's obligations that remain unsettled when the Fedwire closes go through FICC's overnight netting system for settlement the following business day, and the member is subject to FICC's fails charge.[33] In a scenario where a member has offsetting unsettled failed obligations in the same security (*i.e.,* separate failed obligations to both deliver and receive the same security) after the close of the Fedwire, those obligations currently go through the overnight netting system for settlement the following day.

FICC proposes an optional service for members whereby FICC would pair-off a member's offsetting failed securities settlement obligations each day, beginning at 3:32 p.m. (shortly after the Fedwire closes) until 4:00 p.m. (the ''Pair-Off Service''). Additionally, the member would receive either a debit or credit, as applicable, to account for any difference in the settlement value of its deliver and receive obligations as part of FICC's intraday funds-only settlement (''FOS'') process. Therefore, the proposed Pair-Off Service would enable participating members to settle their obligations on the day they arise, rather than continuing to the next day as unsettled failed obligations, as they would under the current practice. Failed obligations that remain unsettled overnight present market risk exposure to both FICC and the parties to such trades. FICC believes that by enabling the earlier settlement of a member's offsetting obligations, the proposed Pair-Off Service could reduce such overnight market risk.[34]

FICC proposes to start the Pair-Off Service at approximately 3:32 p.m., and provide FOS banks with their intraday net FOS figures by 4:00 p.m. for acknowledgement by 4:30 p.m. Accordingly, FICC proposes to change the timing of FOS processing from the current time of 3:15 p.m. to 4:30 p.m. to enable FICC to settle any net money differences that would arise from the proposed Pair-Off Service.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[35] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. After careful consideration, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations applicable to FICC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F)[36] of the Act and Rule 17Ad–22(e)(21)[37] thereunder.

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F)[38] of the Act requires, in part, that the rules of a clearing agency, such as FICC, be designed to (1) promote the prompt and accurate clearance and settlement of securities transactions, (2) assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, and (3) remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. The Commission believes that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

1. Prompt and Accurate Clearance and Settlement; Remove Impediments and Perfect the Mechanism

As described above in Section I.A., FICC currently acts as CCP for only the End Leg of a same-day starting DVP repo transaction. The Start Leg currently settles bilaterally outside of FICC

Securities Service, Federal Reserve Bank of New York (March 2015), *available at https://www.newyorkfed.org/aboutthefed/fedpoint/fed43.html;* Fedwire Securities Service, Board of Governors of the Federal Reserve System (July 31, 2014), *available at https://www.federalreserve.gov/paymentsystems/fedsecs_about.htm.*

[32] *See* Notice, *supra* note 4 at 79056.

[33] *See* Section 14, Rule 11—Netting System, *supra* note 5.

[34] *See* Notice, *supra* note 4 at 79058.

[35] 15 U.S.C. 78s(b)(2)(C).

[36] 15 U.S.C. 78q–1(b)(3)(F).

[37] 17 CFR 240.17Ad–22(e)(21)(i), (ii), and (iii).

[38] 15 U.S.C. 78q–1(b)(3)(F).

between the parties to the trade. Trades that settle bilaterally outside of FICC are generally exposed to more operational risk and consequently may result in more settlement fails than trades which are novated and risk-managed by FICC in its role as CCP.[39] By centralizing settlement of the Start Leg of same-day starting repos, the Same-Day Settling Service would eliminate the current bilateral settlement of securities between the parties.

Additionally, as discussed above in Section I.A., trades facilitated by a Repo Broker that settle outside of FICC require multiple bilateral securities movements between the parties to the trade and the Repo Broker. The greater the number of bilateral securities movements involved in trade settlement, the greater the potential for operational risk resulting in settlement fails. FICC currently manages the risk of a failed Start Leg for a brokered repo by assuming responsibility for trade settlement on the evening of the original scheduled settlement date. While this approach decreases further settlement risk, it neither prevents the original settlement fail nor does it eliminate the multiple bilateral securities movements for settling the Start Leg until after a settlement fail. For participating Repo Brokers, the Same-Day Settling Service would eliminate the bilateral securities movements and the associated risk of settlement fails because FICC would novate and guarantee settlement of the Start Leg upon Trade Comparison. As a result, the Commission believes that the Same-Day Settling Service is designed to improve efficiency in the settlement process for brokered DVP repos and thereby reduce the risk of settlement fails.

The Commission believes that the proposed Same-Day Settling Service should increase efficiency in FICC's settlement process for DVP repos and reduce the operational risk associated with bilateral settlement that can lead to settlement fails. Streamlining the settlement process for DVP repos and reducing the operational risk that can lead to settlement fails should, in turn, (i) promote the prompt and accurate clearance and settlement of securities transactions, and (ii) remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. Accordingly, the Commission believes that the proposed Same-Day Settling Service is consistent with Section 17A(b)(3)(F) of the Act.[40]

Finally, as discussed above in Section I.C., the proposed Pair-Off Service would enable participating members to settle their offsetting failed securities settlement obligations each day after the Fedwire closes. FICC's current process is for such failed obligations to go through the evening netting system, with settlement rescheduled for the following business day. The Commission believes that the proposed Pair-Off Service represents a more efficient process for resolving failed settlement obligations because settlement would occur on the day they arise, rather than continuing as settlement fails to the next business day. Streamlining the process for resolving failed securities settlement obligations to enable earlier settlement and minimize settlement fails should, in turn, (i) promote the prompt and accurate clearance and settlement of securities transactions, and (ii) remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions. Accordingly, the Commission finds that the proposed Pair-Off Service is consistent with Section 17A(b)(3)(F) of the Act.[41]

2. Safeguarding of Securities and Funds

When a CCP novates a trade and takes offsetting and guaranteed positions between the two original parties to the trade, the length of time from novation to trade settlement may affect the CCP's exposure to credit, market, and liquidity risk.[42] For example, settlement fails extend the time to settlement and can thereby present risk to the CCP that a member's positions and other resources that the CCP holds (generally, the member's margin) decline in market value as the CCP considers whether and how it might liquidate, transfer, or otherwise dispose of such assets to minimize losses. Settlement fails can also affect the amount of liquidity risk a CCP may need to bear for purposes of settling an unsettled trade because CCPs may rely on incoming payments from some members to facilitate payments to other members.

As described above, the Proposed Rule Change is designed to reduce settlement fails in the DVP repo market. Specifically, as described above in Section I.A., FICC currently acts as CCP for only the End Leg of a same-day starting DVP repo. Trades that settle bilaterally outside of FICC are generally exposed to more operational risk and consequently may result in more settlement fails than trades which are novated and risk-managed by FICC in its role as CCP.[43] Additionally, as discussed above in Section I.A., trades facilitated by a Repo Broker that settle outside of FICC require multiple bilateral securities movements between the parties to the trade and the Repo Broker. The Same-Day Settling Service would eliminate the current bilateral settlement of securities between the parties and thereby reduce the risk of settlement fails.

Finally, as discussed above in Section I.C., the proposed Pair-Off Service would enable participating members to settle their offsetting failed securities settlement obligations each day after the Fedwire closes as opposed to allowing such failed obligations to go through the evening netting system, with settlement rescheduled for the following business day. Failed obligations that remain unsettled overnight present market risk exposure to both FICC and the parties to such trades. By enabling the earlier settlement of a member's offsetting obligations, the proposed Pair-Off Service could reduce such overnight market risk.

For the reasons stated above, the Commission believes that FICC designed the proposed Same-Day Settling Service and Pair-Off Service to limit the occurrence and effects of settlement fails, and thereby, reduce FICC's exposure to the associated credit, market, and liquidity risks. Reducing such risks would help FICC assure the safeguarding of securities and funds which are in its custody or control. Accordingly, the Commision believes the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act.[44]

B. Consistency With Rule 17Ad–22(e)(21)

Rule 17Ad–22(e)(21) under the Act requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to be efficient and effective in meeting the requirements of its participants and the markets it serves, and have the covered clearing agency's management regularly review the efficiency and effectiveness of its (i) clearing and settlement arrangements, (ii) operating structure, including risk management policies, procedures and systems, and (iii) scope of products cleared or settled.[45]

[39] *See supra* note 17.

[40] 15 U.S.C. 78q–1(b)(3)(F).

[41] *Id.*

[42] *See, eg.,* Securities Exchange Act Release No. 78962 (September 28, 2016), 81 FR 69240 at 69250 (October 5, 2016) (S7–22–16).

[43] *See supra* note 17.

[44] 15 U.S.C. 78q–1(b)(3)(F).

[45] 17 CFR 240.17Ad–22(e)(21).

As discussed above in Section I.B, the proposed Same-Day Settling Service would eliminate bilateral settlements between the parties to the Start Leg of a DVP repo and allow FICC to settle both the Start and End Legs of a DVP Repo. In that regard, the proposed Same-Day Settling Service represents a more efficient and effective settlement process than FICC's current process, which generally includes bilateral settlement of the Start Leg. FICC designed the Same-Day Settling Service in response to requests from its members, to mitigate the operational risk that can result in settlement fails. As discussed above, if not contained, settlement fails can spread to other market participants and undermine the liquidity of a well-functioning market.[46] In contrast, reducing the occurrence of settlement fails (and their resultant effects) would strengthen broader market liquidity. Therefore, by reducing the risk of settlement fails, the proposal would benefit FICC's members when it results in transactions that settle on time that might have otherwise failed, with lower overall transaction costs. Accordingly, the Commission believes that adopting the proposed Same-Day Settling Service would be consistent with Rule 17Ad–22(e)(21)[47] because the proposal would broaden the scope of the DVP Service to include the Start Leg of same-day starting repos in a manner designed to be efficient and effective in reducing settlement fails to the benefit of FICC's members and the broader DVP repo market.

Moreover, as discussed above in Section I.C, the proposed Pair-Off Service would enable participating members to settle their offsetting failed securities settlement obligations each day, shortly after the Fedwire closes. Under FICC's current process, such failed obligations go through the evening netting system, with settlement rescheduled for the following business day. The proposed Pair-Off Service represents a more efficient process for resolving failed settlement obligations because settlement would occur on the day the obligations arise, rather than continuing as settlement fails to the next business day. As discussed above, failed obligations that remain unsettled overnight present market risk exposure to both FICC and the parties to such trades. By enabling earlier settlement of a member's offsetting obligations, the proposed Pair-Off Service could reduce such overnight market risk. Accordingly, the Commission believes that adopting the proposed Pair-Off Service would be consistent with Rule 17Ad–22(e)(21)[48] because the proposal would enable the earlier settlement of a member's offsetting failed obligations in a manner designed to be efficient and effective in reducing overnight market risk to the benefit of FICC's members.

III. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[49] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[50] that Proposed Rule Change SR–FICC–2020–015, be, and hereby is, *Approved*.[51]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01587 Filed 1–25–21; 8:45 am]

BILLING CODE 8011–01–P

[46] Additionally, when a FICC member fails to meet its settlement obligations, the member incurs FICC's fails charge, which could further impact the member's liquidity. *See* Section 14, Rule 11—Netting System, *supra* note 5.

[47] 17 CFR 240.17Ad–22(e)(21).

[48] *Id.*

[49] 15 U.S.C. 78q–1.

[50] 15 U.S.C. 78s(b)(2).

[51] In approving the Proposed Rule Change, the Commission considered the proposals' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[52] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Information Collection; Improving Customer Experience (OMB Circular A–11, Section 280 Implementation)

AGENCY: U.S. Small Business Administration.

ACTION: Notice; request for comment.

SUMMARY: The Small Business Administration has submitted the following information collection: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation), to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act (PRA).

DATES: Submit comments on or before: February 25, 2021.

ADDRESSES: Submit comments by the deadline stated in the **DATES** section above to:

- *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' and searching for this information collection by title or OMB Control Number 3245–0404; and
- Amber Chaudhry, Customer Experience Lead, *amber.chaudhry@sba.gov;* 202 657 9722.

FOR FURTHER INFORMATION CONTACT: Submit requests for additional information, including requests for copies of the collection instrument and supporting documents to Amber Chaudhry, Customer Experience Lead, *amber.chaudhry@sba.gov;* 202-657-9722, or Curtis B. Rich, Management Analyst, *curtis.rich@sba.gov;* 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: Improving Customer Experience (OMB Circular A–11, Section 280 Implementation).

OMB Control Number: 3245–0404.

Abstract: A modern, streamlined and responsive customer experience means: Raising government-wide customer experience to the average of the private sector service industry; developing indicators for high-impact Federal programs to monitor progress towards excellent customer experience and mature digital services; and providing the structure (including increasing transparency) and resources to ensure customer experience is a focal point for agency leadership.

This proposed information collection activity provides a means to garner customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving customer service delivery as discussed in Section 280 of OMB Circular A–11 at *https://www.performance.gov/cx/a11-280.pdf.* As discussed in OMB guidance, agencies should identify their highest-impact customer journeys (using customer volume, annual program cost, and/or knowledge of customer priority as weighting factors) and select touchpoints/transactions within those journeys to collect feedback.

These results will be used to improve the delivery of Federal services and programs. It will also provide government-wide data on customer experience that can be displayed on *www.performance.gov* to help build transparency and accountability of Federal programs to the customers they serve.

As a general matter, these information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly

considered private. The Small Business Administration will only submit collections if they meet the following criteria.

- The collections are voluntary.
- The collections are low-burden for respondents (based on considerations of total burden hours or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government.
- The collections are non-controversial and do not raise issues of concern to other Federal agencies.
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future.
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained.
- Information gathered is intended to be used for general service improvement and program management purposes.

Upon agreement between OMB and the agency all or a subset of information may be released as part of A–11, Section 280 requirements only on *performance.gov*. Summaries of customer research and user testing activities may be included in public-facing customer journey maps or summaries. Additional release of data must be coordinated with OMB.

These collections will allow for ongoing, collaborative and actionable communications between the Agency, its customers, stakeholders, and OMB as it monitors agency compliance on Section 280. These responses will inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on services will be unavailable.

Type of Review: Extension.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: Below is a preliminary estimate of the aggregate burden hours for this information collection.

Average Expected Annual Number of Activities: Approximately five types of customer experience activities such as feedback surveys, focus groups, user testing, and interviews.

Average Number of Respondents per Activity: 1 response per respondent per activity.

Annual Responses: 501,550.

Average Minutes per Response: 5 minutes–120 minutes, dependent upon activity.

Burden Hours: Small Business Administration requests approximately 251,125 burden hours.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose, or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

Request for Comments: Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–01595 Filed 1–25–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–1056]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Unmanned Aircraft Systems (UAS) Market Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval for a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 17, 2020. The collection involves an electronic distribution of a survey to gather information on current practices for pilots of unmanned aircraft systems (UAS). The target information to be gathered is the common fatigue-related practices, and the minimum knowledge, skills, abilities (KSAs), testing, and staffing procedures required for operating UAS. The information to be collected will be used to inform future rulemaking and the development of supporting guidance. The information is necessary because the existing regulatory framework, to include the certification of airmen, was not designed with remote pilots in mind. To broadly integrate UAS and remote pilots into the National Airspace System, further rulemaking will be required to address remote pilot certification for air carrier operations and flight and duty time periods applicable to remote pilot air carrier operations.

DATES: Written comments should be submitted by February 25, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket: https://www.regulations.gov (Enter docket number into search field).

By mail: Kevin Williams, Ph.D., Bldg. 13, Rm. 250D, 6500 S MacArthur Blvd., Oklahoma City, OK 73125.

By fax: (405) 954–4852.

FOR FURTHER INFORMATION CONTACT: Ashley Awwad by email at: *ashley.awwad@faa.gov;* phone: (816) 786–5716.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–XXXX.

Title: Unmanned Aircraft Systems (UAS) Market Survey.

Form Numbers: There are no forms associated with this collection.

Type of Review: New information collection.

Background: The FAA published a Notice in the **Federal Register** on November 17, 2020, seeking comment for a period of 60-days on its intent to conduct a UAS market survey that

would collect information pertaining to UAS air carrier-like operations (85 FR 73334). The FAA received supporting comments from four organizations: Airlines for America, Small UAV Coalition, Helicopter Association International (HAI), and the National Agricultural Aviation Association (NAAA).

HAI believes this collection is a valuable opportunity and will be an effective source of information to inform FAA. NAAA commented that it is vital that a safe, low-altitude airspace exist for all users and advocates for pilots of UAS operations to hold a pilot certificate. NAAA added that the proposed collection would support establishing the minimum knowledge, skills, abilities, testing, and staffing procedures required for operating UAS. Similarly, the Small UAV Coalition supports the proposed collection recognizing the benefits of establishing minimum requirements in terms of aeronautical knowledge and in-flight practical training and testing for remote pilots conducting air carrier operations and suggests adjustments are necessary from existing remote pilot certificate requirements for operations conducted under 14 CFR part 107.

Three of these commenters included recommendations for who should be eligible to respond to the survey. HAI suggested the FAA seek responses from the broadest possible cross-section of operations. HAI noted that many legacy rotorcraft organizations conducting a wide variety of operations have integrated UAS into their operations with more expected to follow. Data gathered from persons with experience in both manned and unmanned operations could be valuable. NAAA recommended that respondents include pilots with manned aircraft experience in operating around UAS, specifically those that normally conduct operations in low-altitude environments, though not necessarily experienced in flying unmanned aircraft.

The FAA agrees that information from a broad cross-section of the aviation industry is important in gathering the data it seeks with this collection. The survey is designed such that respondents can indicate which area of the industry they represent. This will aid in understanding the more specific information gathered in the survey regarding knowledge, skill, training, testing, and fatigue-related policies and procedures. The FAA has specifically included some of the recommended industries of agriculture, infrastructure, and emergency response. If a respondent's industry is not part of the generated listed, they will have the opportunity to write it in. Because of the UAS-specific information and experience we are seeking, we are requiring that the respondents have some kind of work-related experience with unmanned aircraft or that their organization currently operates or plans to operate unmanned aircraft commercially.

The Small UAV Coalition noted in its comments that the FAA did not explain how it arrived at the estimate of 180 respondents. The Small UAV Coalition believes the survey should include Part 107 waiver holders because of the experience they have in complex UAS operations, particularly those beyond the line of sight of the remote pilot.

The FAA arrived at the estimate of 180 respondents due to both statistical reasons and prior experience with survey data collections. The requirement for 180 respondents represents a sufficient amount needed to draw reliable and valid conclusions from the data while reducing the American public's paperwork burden as much as possible. Exceeding this number will not be problematic from a statistical viewpoint, and given that the survey is being distributed electronically, should not be a problem from a paperwork burden viewpoint as well. The FAA has generated a list of potential respondents to invite for participation, which helped to estimate the potential number. However, the number of respondents is not limited to only those on that list. The survey link can be forwarded or made available to others. Acknowledging the comments received regarding distribution and who it should include, the FAA will provide the survey link to NAAA, HAI, and the Small UAV Coalition by means of an invitational email. Enclosed in the invitational email is a survey link that states, ''You may forward this survey to your colleagues and peers who meet this criteria, even if you do not.'' Thus, these organizations can then email the survey invitation to their membership as they deem appropriate given the information the FAA has provided. Due to privacy concerns, the FAA will neither share nor accept participant contact lists but will encourage the organization to share the survey link with individuals who meet the survey criteria.

The Small UAV Coalition also suggested that the academic experts should include those ''who have examined how fatigue may occur while a human operates a machine with increasing levels of autonomy as well as complexity in tasks'' noting that these experts may not have experience with UAS operations, but their information may be valuable.

The FAA appreciates the suggestion and agrees that the fatigue information recommended would be valuable but such information exceeds the scope of the survey. The FAA has other research tasks that better capture this type of fatigue information. This particular survey is seeking operation-specific details and policies that organizations may have concerning time on duty in relationship to tasks, and other fatigue-related policies. As noted previously, this survey would not prevent someone with that kind of expertise from responding, but the questions are not designed to capture other research that is available.

Respondents: 180 respondents.

Frequency: One-time collection.

Estimated Average Burden per Response: 45-minute burden per response.

Estimated Total Annual Burden: 135 hours, total burden.

Issued in Oklahoma City, OK, on January 21, 2021.

Ashley Awwad,

Management and Program Analyst, FAA Aviation Safety, Civil Aerospace Medical Institute, Flight Deck Human Factors Research Lab (AAM–510).

[FR Doc. 2021–01686 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Office of Commercial Space Transportation: Notice of Availability for the Final Programmatic Environmental Assessment and Finding of No Significant Impact for the Shuttle Landing Facility Reentry Site Operator License

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), Council on Environmental Quality NEPA implementing regulations, and FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures,* the FAA is announcing the availability of the Final Programmatic Environmental Assessment and Finding of No Significant Impact for the Shuttle Landing Facility (SLF) Reentry Site Operator License (Final PEA and FONSI).

FOR FURTHER INFORMATION CONTACT: Stacey Zee, Environmental Protection Specialist, Federal Aviation

Administration, 800 Independence Avenue SW, Suite 325, Washington, DC 20591; phone (202) 267–9305; email *Stacey.Zee@faa.gov.*

SUPPLEMENTARY INFORMATION: The FAA is the lead agency. The National Aeronautics and Space Administration, U.S. Space Force, U.S. Fish and Wildlife Service, and the National Park Service are cooperating agencies for the PEA due to their special expertise and jurisdictions.

The FAA has prepared the Final PEA to evaluate the potential environmental impacts of the FAA issuing a Reentry Site Operator License to Space Florida for the operation of a commercial space reentry site at the SLF located at the Cape Canaveral Spaceport, which includes the Kennedy Space Center and the Cape Canaveral Space Force Station (formerly called the Cape Canaveral Air Force Station). Under the Proposed Action, the FAA would issue a Reentry Site Operator License to Space Florida, which would authorize Space Florida to offer the SLF as a horizontal reentry and landing site to prospective commercial space reentry vehicle operators.

A programmatic document is a type of general, broad environmental review from which subsequent NEPA documents can be tiered, focusing on the issues specific to the subsequent action (40 CFR 1502.20). If a commercial space operator applies to the FAA for a reentry license to conduct reentry operations at the SLF, that operator would develop a separate environmental document, tiering off the PEA, to support their application. The tiered environmental document would be a more detailed analysis based on vehicle specific operations.

The Final PEA evaluated the potential environmental impacts of the Proposed Action and the No Action Alternative. Under the No Action Alternative, the FAA would not issue a Reentry Site Operator License to Space Florida for operating a commercial space reentry site at the SLF.

The FAA published a Draft PEA for public comment on October 30, 2020 and held a virtual public meeting on December 2, 2020. The public comment period closed on December 7, 2020. The FAA received 3 public comments. The FAA considered all public comments when preparing the Final PEA.

The FAA has posted the Final PEA and FONSI on the FAA Office of Commercial Space Transportation website: *https://www.faa.gov/space/environmental/nepa_docs.*

Issued in Washington, DC.

Daniel P. Murray,

Manager, Safety Authorization Division.

[FR Doc. 2021–01575 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2018–1087]

Agency Information Collection Activities: Requests for Comments; Clearance of a New Approval of Information Collection: Operation of Small Unmanned Aircraft Systems Over People

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request Office of Management and Budget (OMB) approval for a new information collection. The collection involves operators and owners of small unmanned aircraft systems (UAS) issued an airworthiness certificate under Part 21, and mandates that these entities must retain records of all maintenance performed on their aircraft and records documenting the status of life-limited parts, compliance with airworthiness directives, and inspection status of the aircraft. These records are used to validate that aircraft are maintained in a manner that ensures the reliability associated with having an airworthiness certificate and that the operations-over-people privileges afforded to category 4 operations continue to be appropriate. The owner or operator may keep these records electronically or by paper.

DATES: Written comments should be submitted by March 29, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: Dwayne C. Morris, 800 Independence Ave. SW, Washington, DC 20591.

By email: chris.morris@faa.gov.

By fax: 202–267–1078.

FOR FURTHER INFORMATION CONTACT: Michael Machnik by email at: *michael.machnik@faa.gov;* phone: 630–488–0090.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0775.

Title: Operation of Small Unmanned Aircraft Systems over People.

Form Numbers: N/A.

Type of Review: New.

Background: The FAA published the final rule Operation of Small Unmanned Aircraft Systems over People on January 15, 2021 (86 FR 4314). In that rule, the FAA is requiring that owners and operators of small UAS issued an airworthiness certificate under part 21 retain records of all maintenance performed on their aircraft and records documenting the status of life-limited parts, compliance with airworthiness directives, and inspection status of the aircraft. The records must be kept for the time specified in § 107.140, and they must be available to the FAA and law enforcement personnel upon request. The owner may keep these records electronically or on paper.

Respondents: The FAA estimates that an average of two owners per year will be subject to this recordkeeping requirement. The FAA further estimates that each of those owners operates a fleet of 100 UAS.

Frequency: On occasion.

Estimated Average Burden per Response: The FAA estimates that creation and retention of these records would require 30 minutes per UAS.

Estimated Total Annual Burden: 100 hours per year, based on an estimate of 2 owners per year, each owning 100 UAS and spending 30 minutes per UAS.

Issued in Washington, DC, on January 20, 2021.

Dwayne C. Morris,

Project Manager, Flight Standards Service, General Aviation and Commercial Division.

[FR Doc. 2021–01680 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2020–78]

Petition for Exemption; Summary of Petition Received; California Fire Pilots Association

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before February 16, 2021.

ADDRESSES: Send comments identified by docket number FAA–2020–1127 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Linda Lane, (202) 267–7280, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC.

Timothy R. Adams,

Deputy Executive Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2020–1127.

Petitioner: California Fire Pilots Association.

Section(s) of 14 CFR Affected: § 61.51(j).

Description of Relief Sought: California Fire Pilots Association (CFPA) seeks an exemption from § 61.51(j), of Title 14, Code of Federal Regulations (14 CFR) to the extent necessary to allow CFPA's pilots to log flight time while flying California Department of Forestry and Fire Protection agency public aircraft. Current regulations for logging flight time in a public aircraft under the direct operational control of Federal, State, county, or municipal law enforcement agency is limited to operations where the pilot is engaged on an official law enforcement flight. Additionally, CFPA seeks to have the exemption, if granted, remain in effect until the Administrator completes the modification of § 61.51(j) as required by Section 517 of the FAA Reauthorization Act of 2018 (Pub. L. 115–254).

[FR Doc. 2021–01641 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0002]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel EUPHORIA (Motor Yacht); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before February 25, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0002 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Search MARAD–2021–0002 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0002, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Russell Haynes, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–3157, Email *Russell.Haynes@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel Euphoria is:

—*Intended Commercial Use of Vessel:* ''Ecological Study of Seals Mating in Northern/Southern CA and Baja Mexico.''

—*Geographic Region Including Base of Operations:* California (Base of Operations: Marina Del Rey, CA)

—*Vessel Length and Type:* 70′ Motor Yacht

The complete application is available for review identified in the DOT docket as MARAD–2021–0002 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0002 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

Dated: January 21, 2021.

By Order of the Associate Administrator for Strategic Sealift in lieu of the Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–01652 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2021–0003]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PA860 (Motor Vessel); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirements of the coastwise trade laws to allow the carriage of no more than twelve passengers for hire on vessels, which are three years old or more. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before February 25, 2021.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2021–0003 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Search MARAD–2021–0003 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is: U.S. Department of Transportation, MARAD–2021–0003, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Russell Haynes, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone 202–366–3157, Email *Russell.Haynes@dot.gov*.

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PA860 is:

—*Intended Commercial Use of Vessel:* ''Whale watching tours''

—*Geographic Region Including Base of Operations:* ''California'' (Base of Operations: Long Beach, California)

—*Vessel Length and Type:* 28.3′ Motor Vessel

The complete application is available for review identified in the DOT docket as MARAD–2021–0003 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the vessel name, state the commenter's interest in the waiver

application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *http://www.regulations.gov,* keyword search MARAD–2021–0003 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Department of Transportation, Maritime Administration, Office of Legislation and Regulations, MAR–225, W24–220, 1200 New Jersey Avenue SE, Washington, DC 20590. Include a cover letter setting forth with specificity the basis for any such claim and, if possible, a summary of your submission that can be made available to the public.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

* * * * *

Dated: January 21, 2021.

By Order of the Associate Administrator for Strategic Sealift in lieu of the Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2021–01653 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0092]

Mazda North American Operations; Denial of Petition for Inconsequentiality

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition.

SUMMARY: On July 10, 2017, Takata Corporation (''Takata'') filed a defect information report (''DIR'') in which it determined that a safety-related defect exists in phase-stabilized ammonium nitrate (''PSAN'') driver-side air bag inflators that it manufactured with a calcium sulfate desiccant and supplied to Ford Motor Company (''Ford''), Mazda North American Operations (''Mazda''), and Nissan North America Inc. (''Nissan'') for use in certain vehicles. Mazda's vehicles identified by Takata's DIR were designed by Ford and were built on the same platform and using the same air bag inflators as one of the affected Ford vehicles. Mazda petitioned the Agency for a decision that the equipment defect determined to exist by Takata is inconsequential as it relates to motor vehicle safety in the Mazda vehicles affected by Takata's DIR, and that Mazda should therefore be relieved of its notification and remedy obligations under the National Traffic and Motor Vehicle Safety Act of 1966 and its applicable regulations. After reviewing the petition, NHTSA has concluded that Mazda has not met its burden of establishing that the defect is inconsequential to motor vehicle safety, and denies the petition.

ADDRESSES: For further information about this decision, contact Stephen Hench, Office of Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE, W41–229, Washington, DC 20590 (Tel. 202.366.2262).

For general information about NHTSA's investigation into Takata air bag inflator ruptures and the related recalls, visit *https://www.nhtsa.gov/takata.*

SUPPLEMENTARY INFORMATION:

I. Background

The Takata air bag inflator recalls (''Takata recalls'') are the largest and most complex vehicle recalls in U.S. history. These recalls currently involve 19 vehicle manufacturers and approximately 67 million Takata air bag inflators in tens of millions of vehicles in the United States alone. The recalls are due to a design defect, whereby the propellant used in Takata's air bag inflators degrades after long-term exposure to high humidity and temperature cycling. During air bag deployment, this propellant degradation can cause the inflator to over-pressurize, causing sharp metal fragments (like shrapnel) to penetrate the air bag and enter the vehicle compartment. To date, these rupturing Takata inflators have resulted in the deaths of 18 people across the United States [1] and over 400 alleged injuries, including lacerations and other serious consequences to occupants' face, neck, and chest areas.

In May 2015, NHTSA issued, and Takata agreed to, a Consent Order,[2] and Takata filed four defect information reports (''DIRs'') [3] for inflators installed in vehicles manufactured by twelve [4] vehicle manufacturers. Recognizing that these unprecedented recalls would involve many challenges for vehicle manufacturers and consumers, NHTSA began an administrative proceeding in June 2015 providing public notice and seeking comment (Docket Number NHTSA–2015–0055). This effort culminated in NHTSA's establishment

[1] Globally, including the United States, the deaths of at least 30 people are attributable to these rupturing Takata inflators.

[2] The May 2015 Consent Order is available at: *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/consent-order-takata-05182015_0.pdf.*

[3] Recall Nos. 15E–040, 15E–041, 15E–042, and 15E–043.

[4] The twelve vehicle manufacturers affected by the May 2015 recalls were: BMW of North America, LLC; FCA US, LLC (formerly Chrysler); Daimler Trucks North America, LLC; Daimler Vans USA, LLC; Ford Motor Company; General Motors, LLC; American Honda Motor Company; Mazda North American Operations; Mitsubishi Motors North America, Inc.; Nissan North America, Inc.; Subaru of America, Inc.; and Toyota Motor Engineering and Manufacturing.

of a Coordinated Remedy Program (''Coordinated Remedy'') in November 2015.[5] The Coordinated Remedy prioritizes and phases the various Takata recalls not only to accelerate the repairs, but also—given the large number of affected vehicles—to ensure that repair parts are available to fix the highest-risk vehicles first.[6]

Under the Coordinated Remedy, vehicles are prioritized for repair parts based on various factors relevant to the safety risk—primarily on vehicle model year (MY), as a proxy for inflator age, and geographic region. In the early stages of the Takata inflator recalls, affected vehicles were categorized as belonging to one of two regions: The High Absolute Humidity (''HAH'') region (largely inclusive of Gulf Coast states and tropical island states and territories), or the non-HAH region (inclusive of the remaining states and the District of Columbia). On May 4, 2016, NHTSA issued, and Takata agreed to, an amendment to the November 3, 2015 Consent Order (''ACO''), wherein these geographic regions were refined based on improved understanding of the risk, and were then categorized as Zones A, B, and C. Zone A encompasses the higher risk HAH region as well as certain other states,[7] Zone B includes states with more moderate climates (*i.e.,* lower heat and humidity than Zone A),[8] and Zone C includes the cooler-temperature States largely located in the northern part of the country.[9]

While the Takata recalls to date have been limited almost entirely to Takata PSAN inflators that do not contain a desiccant (a drying agent)—*i.e.,* ''non-desiccated'' inflators—under a November 3, 2015 Consent Order issued by NHTSA and agreed to by Takata, Takata is required to test its PSAN inflators that do contain a desiccant—*i.e.,* ''desiccated'' inflators—in cooperation with vehicle manufacturers ''to determine the service life and safety of such inflators and to determine whether, and to what extent, these inflator types suffer from a defect condition, regardless of whether it is the same or similar to the conditions at issue'' in the DIRs Takata had filed for its non-desiccated PSAN inflators.[10]

In February 2016, NHTSA requested Ford's assistance in evaluating Takata calcium-sulfate desiccated PSDI–5 driver-side air bag inflators, to which Ford agreed.[11] In June 2016, Ford and Takata began a field-recovery program to evaluate Takata calcium-sulfate desiccated PSDI–5 driver-side air bag inflators that were original equipment in MY 2007–2008 Ford Ranger vehicles in Florida, Michigan, and Arizona.[12] Nissan also initiated a similar field-recovery program for its Versa vehicles in March 2016.[13] By January 2017, a very limited number of samples from Ford had been recovered and tested.[14] In March 2017, Takata and Ford met to review the field data collected from the inflators returned by Ford and Nissan.[15] Between March and June 2017, additional Ford inflators were subjected to live dissection, which included chemical and dimensional propellant analyses, as well as ballistic testing.[16] Also in June, Takata reviewed with Ford and NHTSA field-return data from Ford inflators.[17] Ford then met with NHTSA on July 6, 2017 to discuss the data collected to date, as well as an expansion plan for evaluating Takata calcium-sulfate desiccated PSDI–5 driver-side air bag inflators.

Takata analyzed 423 such inflators from the Ford program—as well as 895 such inflators from the Nissan program.[18] After a review of field-return data, on July 10, 2017, Takata, determining that a safety-related defect exists, filed a DIR for calcium-sulfate desiccated PSDI–5 driver-side air bag inflators that were produced from January 1, 2005 to December 31, 2012 and installed as original equipment on certain motor vehicles manufactured by Ford (the ''covered Ford inflators''), as well as calcium-sulfate desiccated PSDI–5 driver-side air bag inflators for those same years of production installed as original equipment on motor vehicles manufactured by Nissan (the ''covered Nissan inflators'') and Mazda (the ''covered Mazda inflators'') (collectively, the ''covered inflators'').[19] As described further below, the propellant tablets in these inflators may experience density reduction over time, which could result in the inflator rupturing, at which point ''metal fragments could pass through the air bag cushion material, which may result in injury or death to vehicle occupants.'' [20]

Takata's DIR filing triggered Mazda's obligation to file a DIR for its affected vehicles.[21] Mazda filed a corresponding DIR, informing NHTSA that it intended to file a petition for

[5] *See* Notice of Coordinated Remedy Program Proceeding for the Replacement of Certain Takata Air Bag Inflators, 80 FR 32197 (June 5, 2015).

The Coordinated Remedy Order, which established the Coordinated Remedy, is available at: *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/nhtsa-coordinatedremedyorder-takata.pdf.* The Third Amendment to the Coordinated Remedy Order incorporated additional vehicle manufacturers, that were not affected by the recalls at the time that NHTSA issued the CRO into the Coordinated Remedy, and is available at: *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/final_public_-_third_amendment_to_the_coordinated_remedy_order_with_annex_a-corrected_12.16.16.pdf.* The additional affected vehicle manufacturers are: Ferrari North America, Inc.; Jaguar Land Rover North America, LLC; McLaren Automotive, Ltd.; Mercedes-Benz US, LCC; Tesla Motors, Inc.; Volkswagen Group of America, Inc.; and, per Memorandum of Understanding dated September 16, 2016, Karma Automotive on behalf of certain Fisker vehicles.

[6] *See* Coordinated Remedy Order at 15–18, Annex A; Third Amendment to the Coordinated Remedy Order at 14–17. These documents, among other documents related to the Takata recalls discussed herein, are available on NHTSA's website at *http://www.nhtsa.gov/takata.*

[7] Zone A comprises the following U.S. states and jurisdictions: Alabama, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, South Carolina, Texas, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands (Saipan), and the U.S. Virgin Islands. Amendment to November 3, 2015 Consent Order at ¶ 7.a.

[8] Zone B comprises the following U.S. states and jurisdictions: Arizona, Arkansas, Delaware, District of Columbia, Illinois, Indiana, Kansas, Kentucky, Maryland, Missouri, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, and West Virginia. Amendment to November 3, 2015 Consent Order at ¶ 7.b.

[9] Zone C comprises the following U.S. states and jurisdictions: Alaska, Colorado, Connecticut, Idaho, Iowa, Maine, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, and Wyoming. Amendment to November 3, 2015 Consent Order at ¶ 7.c.

[10] Consent Order ¶ 28.

[11] Mazda has relied upon the Ford testing information because Mazda's vehicles identified by Takata's DIR were designed by Ford, built on the same platform, and used the same air bag inflators as MY 2007–2011 Ford Rangers.

[12] *See also* Recall No. 17E–034. Later, under Paragraph 43 of the Third Amendment to the Coordinated Remedy Order (''ACRO''), NHTSA ordered each vehicle manufacturer ''with any vehicle in its fleet equipped with a desiccated PSAN Takata inflator'' (and not using or planning to use such an inflator as a final remedy) to develop a written plan describing ''plans to confirm the safety and/or service life'' of desiccated PSAN Takata inflators used in its fleet. ACRO ¶ 43. Such plans were to include coordination with Takata for parts recovery from fleet vehicles, testing, and anticipated/future plans ''to develop or expand recovery and testing protocols of the desiccated PSAN inflators.'' *Id.*

[13] Recall No. 17V–449. The specific Takata calcium-sulfate desiccated PSDI–5 driver-side air bag inflators installed in these Nissan Versa vehicles are a different variant than those installed in the Ford and Mazda vehicles. There are several differences in design between the variant installed in Nissan vehicles and the variants installed in the Ford and Mazda vehicles, which are discussed further below.

[14] Recall No. 17E–034.

[15] *Id.*

[16] *Id.*

[17] *Id.*

[18] *See* Recall No. 17V–449.

[19] Recall No. 17E–034.

[20] *Id.*

[21] *See* 49 U.S.C. 30102(b)(1)(F); 49 CFR part 573; November 3, 2015 Coordinated Remedy Order ¶¶ 45–46. Under 49 CFR 573.5(a), a vehicle manufacturer is responsible for any safety-related defect determined to exist in any item of original equipment. *See also* 49 U.S.C. 30102(b)(1)(C).

inconsequentiality.[22] Mazda then petitioned the Agency, under 49 CFR part 556, via letter including an enclosed purported ''joint petition'' with Ford [23] (''Petition'') for a decision that, because Takata's analysis of the covered Ford inflators does not show propellant tablet-density degradation, or increased inflation pressure, and certain inflator design differences exist between the covered Ford inflators and the covered Nissan inflators, the equipment defect determined to exist by Takata is inconsequential as it relates to motor vehicle safety in the Mazda vehicles affected by Takata's DIR.[24] In addition, Mazda requested that NHTSA allow Ford until March 31, 2018 to complete an ''expanded inflator field study, aging assessment, and testing on additional samples'' before NHTSA made a decision on the Petition.[25] Mazda sent its Petition via UPS on August 17, 2017, scheduled to arrive the following day via next-day air. However, because the Petition was incorrectly addressed, NHTSA did not receive this copy of the Petition until August 23, 2017. NHTSA did, however, receive a copy via email on August 22, 2017.

In a Notice published in the **Federal Register** on November 16, 2017, NHTSA acknowledged its receipt of Mazda's Petition, opened a public comment period on the Petition to expire on December 18, 2017, and denied Mazda's request that the Agency allow Ford until March 31, 2018 to complete certain testing and analysis before the Agency decided on the Petition.[26] NHTSA received three comments in response to this Notice, none of which advocated granting Mazda's Petition.

Two individual commenters expressed general opposition to granting the Petition. The third commenter, the Center for Auto Safety (''CAS''), emphasized the dangers that Takata air bag inflators can pose, including the PSDI–5 inflators at issue in Mazda's Petition. CAS also stated a concern that granting Mazda's Petition ''would effectively serve as a decision that these inflators are exempt from future recall should additional PSAN testing prove a danger.'' [27] Specific to the substance of Mazda's Petition,[28] CAS commented that it ''contains unsupported assertions as fact, and . . . no corresponding data or scientific studies confirming the safety of the PSDI–5 airbag inflators,'' and stated that ''[w]here the petition does reference the testing conducted by Takata on Ford inflators, there is little evidence provided to suggest that these inflators will continue to perform after years of exposure.'' [29] CAS concluded that, ''[a]t best, the testing performed by Takata suggests that propellant degradation and inflator chamber pressure have not *yet* developed the potential to harm occupants after ten years in service,'' and that NHTSA should deny Mazda's Petition.[30]

On October 26, 2018, at an in-person meeting with NHTSA, Ford shared additional information in support of its own separate petition for the covered Ford inflators,[31] including internal analyses, test methodologies, and results of tests performed by Ford and outside parties on behalf of Ford or at Ford's request.[32] At a subsequent virtual meeting with NHTSA on November 4, 2020, Ford shared further information in support of its Petition related to additional work done by a third party since October 2018.[33]

II. Classes of Motor Vehicles Involved

Mazda's Petition involves 5,848 vehicles that contain the covered Mazda inflators.[34] Those vehicles are MY 2007–2009 B-Series pickup trucks,[35] which Mazda explains were built on the same platform and using the same air bag inflators as Ford MY 2007–2011 Rangers.[36] Accordingly, Mazda states that although ''Takata has not tested PSDI–5 inflators with calcium sulfate from Mazda vehicles,'' data from those Ford Rangers is representative of Mazda's MY 2007–2009 B-Series vehicles.[37] Ford also stated in its October 2018 and November 2020 presentations to the Agency that the information therein was ''also representative of airbag inflator performance in shared platforms with Mazda.''

III. Defect

The defect is present in Takata calcium-sulfate desiccated PSDI–5 driver-side air bag inflators.[38] According to its DIR, Takata produced 2.7 million of these defective inflators from January 1, 2005, to December 31, 2012.[39] These inflators are the earliest generation of Takata desiccated PSAN inflators, and were installed as original equipment in vehicles sold by Ford, Mazda, and Nissan.[40] The evidence makes clear that these inflators pose a significant safety risk. In these inflators, ''[t]he propellant tablets . . . may experience an alteration over time''—specifically, ''some of the inflators within the population analyzed show a pattern of propellant density reduction over time that is understood to predict a future risk of inflator rupture''—''which could potentially lead to over-aggressive combustion'' when the air bag in which they are installed deploys.[41] This ''could create excessive internal pressure, which could result in the body of the inflator rupturing upon deployment.'' [42] In the event of such a rupture, ''metal fragments could pass through the air bag cushion material, which may result in injury or death to vehicle occupants.'' [43] Rupture potentiality may be influenced by ''several years of exposure to persistent conditions of high absolute humidity,'' as well as other factors, including ''manufacturing variability or vehicle type.'' [44]

IV. Legal Background

The National Traffic and Motor Vehicle Safety Act (the ''Safety Act''), 49 U.S.C. Chapter 301, defines ''motor vehicle safety'' as ''the performance of a motor vehicle or motor vehicle

[22] *Mazda Motor Corporation Petition for Determination of Inconsequentiality of Takata's Defect Information Report filing under NHTSA Campaign Number 17E–034 for PSDI–5 Desiccated Driver Air Bag Inflators* (dated August 17, 2016) (Mazda appears to have inadvertently dated its letter August 17, 2016, instead of August 17, 2017) (enclosing ''Mazda submission copy of Part 573'').

[23] Ford also submitted a petition to the Agency, with a cover letter dated August 16, 2017. This petition was not a ''joint petition'' with Mazda. Ford's petition is addressed in a separate decision.

[24] *See* Petition at 11–16 and cover letter thereto. The Petition also suggests differences in ''vehicle environment'' between affected Ford and Nissan vehicles as a potential explanation for inflator degradation-risk differences between the covered Ford inflators and the covered Nissan inflators. *See* Petition at 2. However, this suggestion is not elaborated on elsewhere. *See id.* at 14–16 (focusing on design differences between the covered Ford inflators and covered Nissan inflators).

[25] Petition (cover letter).

[26] *See* 82 FR 53558.

[27] Comments at 2.

[28] CAS's comments collectively addressed the covered Ford and Mazda inflators.

[29] Comments at 2.

[30] *Id.* at 2–3 (emphasis in original).

[31] *See* NHTSA docket No. 2017–0093 (regarding Ford's petition).

[32] Ford submitted an accompanying slide deck, hereinafter ''October 2018 Presentation.'' This presentation is available on NHTSA docket No. 2017–0093. The written materials Ford submitted do not explicitly identify one of these third parties, which his hereinafter referred to as ''Third Party.''

[33] Ford submitted an accompanying slide deck, hereinafter ''November 2020 Presentation.'' This presentation is available on NHTSA docket No. 2017–0093.

[34] Petition at 1.

[35] Specifically, the petitioned vehicles had a production range of February 21, 2006 to June 18, 2009. *Id.*

[36] *Id.*

[37] *Id.* Covered inflators with the prefix ZN were installed in these Rangers.

[38] Recall No. 17E–034.

[39] *Id.*

[40] *Id.*

[41] *Id.*

[42] *Id.*

[43] *Id.*

[44] *Id.*

equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction, or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.'' [45] Under the Safety Act, a manufacturer must notify NHTSA when it ''learns the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety,'' or ''decides in good faith that the vehicle or equipment does not comply with an applicable motor vehicle safety standard.'' [46] The act of filing a notification with NHTSA is the first step in a manufacturer's statutory recall obligations of notification and remedy.[47] However, Congress has recognized that, under some limited circumstances, a manufacturer may petition NHTSA for an exemption from the requirements to notify owners, purchasers, and dealers and to remedy the vehicles or equipment on the basis that the defect or noncompliance is inconsequential to motor vehicle safety.[48]

''Inconsequential'' is not defined either in the statute or in NHTSA's regulations, and so must be interpreted based on its ''ordinary, contemporary, common meaning.'' [49] The inconsequentiality provision was added to the statute in 1974, and there is no indication that the plain meaning of the term has changed since 1961—meaning definitions used today are substantially the same as those used in 1974.[50] The Cambridge Dictionary defines ''inconsequential'' to mean ''not important,'' or ''able to be ignored.'' [51] Other dictionaries similarly define the term as ''lacking importance'' [52] and ''unimportant.'' [53]

The statutory context is also relevant to the meaning of ''inconsequential.'' [54] The full text of the inconsequentiality provision is:

> On application of a manufacturer, the Secretary shall exempt the manufacturer from this section if the Secretary decides a defect or noncompliance is inconsequential to motor vehicle safety. The Secretary may take action under this subsection only after notice in the **Federal Register** and an opportunity for any interested person to present information, views, and arguments.[55]

As described above, the statute defines ''motor vehicle safety'' to mean ''the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents . . . and *against unreasonable risk of death or injury in an accident* . . . .'' [56] This is also consistent with the overall statutory purpose: ''to reduce traffic accidents and deaths and injuries resulting from traffic accidents.'' [57]

The statute explicitly allows a manufacturer to seek an exemption from carrying out a recall on the basis that either a defect or a noncompliance is inconsequential to motor vehicle safety.[58] However, in practice, substantially all inconsequentiality petitions have related to noncompliances, and it has been extremely rare for a manufacturer to seek an exemption in the case of a defect. This is because a manufacturer does not have a statutory obligation to conduct a recall for a defect unless and until it ''learns the vehicle or equipment contains a defect and decides in good faith that the defect is related to motor vehicle safety,'' or NHTSA orders a recall by making a ''final decision that a motor vehicle or replacement equipment contains a defect related to motor vehicle safety.'' [59] Until that threshold determination has been made by either the manufacturer or the Agency, there is no need for a statutory exception on the basis that a defect is inconsequential to motor vehicle safety. And since a defect determination involves a finding that the defect poses an unreasonable risk to safety, asking the Agency to make a determination that a defect posing an unreasonable risk to safety is inconsequential has heretofore been almost unexplored.[60]

Given this statutory context, a manufacturer bears a heavy burden in petitioning NHTSA to determine that a defect related to motor vehicle safety (which necessarily involves an unreasonable risk of an accident, or death or injury in an accident) is nevertheless inconsequential to motor vehicle safety. In accordance with the plain meaning of ''inconsequential,'' the manufacturer must show that a risk posed by a defect is not important or is capable of being ignored. This appropriately describes the actual consequence of granting a petition as well. The manufacturer would be relieved of its statutory obligations to notify vehicle owners and to remedy the defect, and effectively to ignore the defect as unimportant from a safety perspective. Accordingly, the threshold of evidence necessary for a manufacturer to carry its burden of persuasion that a defect is inconsequential to motor vehicle safety is difficult to satisfy. This is particularly true where the defect involves a potential failure of safety-critical equipment, as is the case here.

The Agency necessarily determines whether a defect or noncompliance is inconsequential to motor vehicle safety based on the specific facts before it. The scarcity of defect-related inconsequentiality petitions over the course of the Agency's history reflects the heavy burden of persuasion, as well as the general understanding among regulated entities that the grant of such relief would be quite rare. The Agency has recognized this explicitly in the past. For example, in 2002, NHTSA stated that ''[a]lthough NHTSA's empowering statute alludes to the possibility of an inconsequentiality determination with regard to a defect, the granting of such a petition would be highly unusual.'' [61]

Of the four known occasions in which the Agency has previously considered

[45] 49 U.S.C. 30102(a)(9).

[46] *Id.* 30118(c)(1). ''[A] defect in original equipment, or noncompliance of original equipment with a motor vehicle safety standard prescribed under this chapter, is deemed to be a defect or noncompliance of the motor vehicle in or on which the equipment was installed at the time of delivery to the first purchaser.'' 49 U.S.C. 30102(b)(1)(F).

[47] *Id.* 30118–20.

[48] *Id.* 30118(d), 30120(h); 49 CFR part 556.

[49] *See, e.g., Food Mktg. Institute* v. *Argus Leader Media,* 139 S. Ct. 2356, 2363 (2019) (quoting *Perrin* v. *United States,* 444 U.S. 37, 42 (1979)).

[50] *See* Public Law 93–492, Title I, § 102(a), 88 Stat. 1475 (Oct. 27, 1974); Webster's Third New Int'l Dictionary (principal copyright 1961) (defining ''inconsequential'' as ''inconsequent;'' defining ''inconsequent'' as ''of no consequence,'' ''lacking worth, significance, or importance'').

The House Conference Report indicates that the Department of Transportation planned to define ''inconsequentiality'' through a regulation; however, it did not do so. *See* H.R. Rep. 93–1191, 1974 U.S.C.C.A.N. 6046, 6066 (July 11, 1974). Instead, NHTSA issued a procedural regulation governing the filing and disposition of petitions for inconsequentiality, but which did not address the meaning of the term ''inconsequential.'' 42 FR 7145 (Feb. 7, 1977). The procedural regulation, 49 CFR part 556, has remained largely unchanged since that time, and the changes that have been made have no effect on the meaning of inconsequentiality.

[51] *https://dictionary.cambridge.org/us/dictionary/english/inconsequential.*

[52] *https://ahdictionary.com/word/search.html?q=inconsequential.*

[53] *https://www.merriam-webster.com/dictionary/inconsequential.*

[54] *See, e.g., Taniguchi* v. *Kan Pac. Saipan, Ltd.,* 566 U.S. 560, 569–72 (2012) (considering ordinary and technical meanings, as well as statutory context, in determining meaning of a ''interpreter'' under 28 U.S.C. 1920(6)).

[55] 49 U.S.C. 30118(d), 30120(h).

[56] *Id.* 30102(a)(9) (emphasis added).

[57] *Id.* 30101.

[58] *Id.* 30118(d), 30120(h).

[59] *Id.* 30118(c)(1).

[60] NHTSA notes that the current petition is different in that the inflators were declared defective by the supplier of the airbag, and that Mazda's defect notice was filed in response to the supplier's notice.

[61] Letter from J. Glassman, NHTSA, to V. Kroll, Adaptive Driving Alliance (Sept. 23, 2002), *https://www.nhtsa.gov/interpretations/ada3.*

petitions contending that a defect is inconsequential to motor vehicle safety, the Agency has granted only one of the petitions, nearly three decades ago, in a vastly different set of circumstances.[62] In that case, the defect was a typographical error in the vehicle's gross vehicle weight rating (GVWR) that had no impact on the actual ability of the vehicle to carry an appropriate load. NHTSA granted a motorcycle manufacturer's petition, finding that a defect was inconsequential to motor vehicle safety where the GVWR was erroneously described as only 60 lbs., which error was readily apparent to the motorcycle operator based upon both common sense and the fact that the 330 lbs. front axle rating and 540 lbs. rear axle rating were listed directly below the GVWR on the same label.[63] Moreover, the error did not actually impact the ability of the motorcycle to carry the weight for which it was designed.[64]

On the other hand, NHTSA denied another petition concerning a vehicle's weight label where there was a potential safety impact. NHTSA denied that petition from National Coach Corporation on the basis that the rear gross axle weight rating (RGAWR) for its buses was too low and could lead to overloading of the rear axle if the buses were fully loaded with passengers.[65] NHTSA rejected arguments that most of the buses were not used in situations where they were fully loaded with passengers and that there were no complaints.[66] NHTSA noted that its Office of Defects Investigation had conducted numerous investigations concerning overloading of suspensions that resulted in recalls, that other manufacturers had conducted recalls for similar issues in the past, and that, even if current owners were aware of the issue, subsequent owners were unlikely to be aware absent a recall.[67]

NHTSA also denied a petition asserting that a defect was inconsequential to motor vehicle safety where the defect involved premature corrosion of critical structure components (the vehicle's undercarriage), which could result in a crash or loss of vehicle control.[68] Fiat filed the petition preemptively, following NHTSA's initial decision that certain Fiat vehicles contained a safety-related defect.[69] In support of its petition, Fiat argued that no crashes or injuries resulted from components that failed due to corrosion, and that owners exercising due diligence had adequate warning of the existence of the defect.[70] NHTSA rejected those arguments and both finalized its determination that certain vehicles contained a safety-related defect (*i.e.,* ordered a recall) and found that the defect was not inconsequential to motor vehicle safety.[71] NHTSA explained that the absence of crashes or injuries was not dispositive: ''the possibility of an injury or accident can reasonably be inferred from the nature of the component involved.'' [72] NHTSA also noted that the failure mode was identical to another population of vehicles for which Fiat was carrying out a recall.[73] The Agency rejected the argument that there was adequate warning to vehicle owners, explaining that the average owner does not inspect the underbody of a car and that interior corrosion may not be visible.[74]

Most recently, the Agency denied a petition asserting that a defect in non-desiccated Takata PSAN air bag inflators was inconsequential to motor vehicle safety, where the defect involved the degradation of inflator propellant that could cause the inflator to over-pressurize during air bag deployment—causing metal fragments to penetrate the air bag and enter the vehicle compartment toward vehicle occupants.[75] In support of this petition and its argument that the inflators at issue were not at risk of rupture—being ''more resilient'' to rupture than other Takata PSAN inflators—General Motors made arguments and submitted evidence regarding inflator design differences and vehicle features, testing and field data analyses, inflator aging studies, predictive modeling, risk assessments, and potential risk created by conducting repairs.[76] The Agency rejected these arguments and, among other things, observed the severe nature of the safety risk and that the defect could not be discerned even by a diligent vehicle owner.[77] The Agency also specifically noted the heavy burden on General Motors to demonstrate inconsequentiality, stating that ''[t]he threshold of evidence necessary to prove the inconsequentiality of a defect such as this one—involving the potential performance failure of safety-critical equipment—is very difficult to overcome.'' [78]

Agency practice over several decades therefore shows that inconsequentiality petitions are rarely filed in the defect context, and virtually never granted. Nonetheless, in light of the importance of the issues here, and the fact that Mazda's defect notification was filed in response to the notification provided by Mazda's supplier, the Agency also considered the potential usefulness of the Agency's precedent on noncompliance. The same legal standard—''inconsequential to motor vehicle safety''—applies to both defects and noncompliances.[79]

In the noncompliance context, in some instances, NHTSA has determined that a manufacturer met its burden of demonstrating that a noncompliance was inconsequential to safety. For example, labels intended to provide safety advice to an occupant that may have a misspelled word, or that may be printed in the wrong format or the wrong type size, have been deemed inconsequential where they should not cause any misunderstanding, especially where other sources of correct information are available.[80] These decisions are similar in nature to the lone instance where NHTSA granted a

[62] *See id.*

[63] *Suzuki Motor Co., Ltd.; Grant of Petition for Inconsequential Defect,* 47 FR 41458, 41459 (Sept. 20,1982) and 48 FR 27635, 27635 (June 16, 1983).

[64] *Id.*

[65] *Nat'l Coach Corp.; Denial of Petition for Inconsequential [Defect],* 47 FR 49517, 49517 (Nov. 1, 1982). NHTSA's denial was erroneously titled ''Denial of Petition for Inconsequential Noncompliance''; the discussion actually addressed the issue as a defect. *See id.; see also Nat'l Coach Corp.; Receipt of Petition for Inconsequential Defect,* 47 FR 4190 (Jan. 28, 1982).

[66] *Id.* at 49517–18.

[67] *Id.* at 49518.

[68] *Final Determination & Order Regarding Safety Related Defects in the 1971 Fiat Model 850 and the 1970–74 Fiat Model 124 Automobiles Imported and Distributed by Fiat Motors of N. Am., Inc.; Ruling on Petition of Inconsequentiality,* 45 FR 2134, 2137, 41 (Jan. 10, 1980).

[69] *Fiat Motors of N. Am., Inc.; Receipt of Petition for Determination of Inconsequential Defect,* 44 FR 60193, 60193 (Oct. 18, 1979); *Fiat Motors Corp. of N. Am.; Receipt of Petition for Determination of Inconsequential Defect,* 44 FR 12793, 12793 (Mar. 8, 1979).

[70] *See, e.g.,* 45 FR 2134, 2141 (Jan. 10, 1980).

[71] *Final Determination & Order Regarding Safety Related Defects in the 1971 Fiat Model 850 and the 1970–74 Fiat Model 124 Automobiles Imported and Distributed by Fiat Motors of N. Am., Inc.; Ruling on Petition of Inconsequentiality,* 45 FR 2137–41 (Jan. 10, 1980). Fiat also agreed to a recall of certain of the vehicles, and NHTSA found that Fiat did not reasonably meet the statutory recall remedy requirements. *Id.* at 2134–37.

[72] *Id.* at 2139.

[73] *Id.*

[74] *Id.* at 2140.

[75] *Gen. Motors LLC, Denial of Consolidated Petition for Decision of Inconsequential Defect,* 85 FR 76159 (Nov. 27, 2020).

[76] *Id.* at 76161–164, 76167.

[77] *Id.* at 76173.

[78] *Id.*

[79] 49 U.S.C. 30118(d), 30120(h).

[80] *See, e.g., Gen. Motors, LLC.; cf. Grant of Petition for Decision of Inconsequential Noncompliance,* 81 FR 92963 (Dec. 20, 2016). By contrast, in *Michelin,* we reached the opposite conclusion under different facts. There, the defect was a failure to mark the maximum load and corresponding inflation pressure in both Metric and English units on the sidewall of the tires. *Michelin N. America, Inc.; Denial of Petition for Decision of Inconsequential Noncompliance,* 82 FR 41678 (Sept. 1, 2017).

petition for an inconsequential defect, as discussed above.

However, the burden of establishing the inconsequentiality of a failure to comply with a *performance requirement* in a standard—as opposed to a *labeling requirement*—is more substantial and difficult to meet. Accordingly, the Agency has not found many such noncompliances inconsequential.[81] Potential performance failures of safety-critical equipment, like seat belts or air bags, are rarely deemed inconsequential.

An important issue to consider in determining inconsequentiality based upon NHTSA's prior decisions on noncompliance issues was the safety risk to individuals who experience the type of event against which the recall would otherwise protect.[82] NHTSA also does not consider the absence of complaints or injuries to show that the issue is inconsequential to safety.[83] ''Most importantly, the absence of a complaint does not mean there have not been any safety issues, nor does it mean that there will not be safety issues in the future.'' [84] ''[T]he fact that in past reported cases good luck and swift reaction have prevented many serious injuries does not mean that good luck will continue to work.'' [85]

Arguments that only a small number of vehicles or items of motor vehicle equipment are affected have also not justified granting an inconsequentiality petition.[86] Similarly, NHTSA has rejected petitions based on the assertion that only a small percentage of vehicles or items of equipment are actually likely to exhibit a noncompliance. The percentage of potential occupants that could be adversely affected by a noncompliance does not determine the question of inconsequentiality. Rather, the issue to consider is the consequence to an occupant who is exposed to the consequence of that noncompliance.[87] These considerations are also relevant when considering whether a defect is inconsequential to motor vehicle safety.

V. Mazda's Petition and Information Before the Agency

Mazda contends that ''[Ford] Ranger data is representative of B-Series'': The ''2007–2011 Ford Ranger and 2007–2009 Mazda B-Series vehicles are built on identical platforms and use identical airbag inflators'' and, therefore, ''Ford's discussion of Takata's testing and analysis on 2007–2008 MY Ford Ranger vehicles should apply with equal force to 2007–2009 MY Mazda B-Series.'' [88] Similarly, as noted above, Ford states in its October 2018 and November 2020 Presentations that information therein is ''also representative of airbag inflator performance in shared platforms with Mazda.'' Mazda did not separately submit the subsequent analyses to the Agency, but those submissions do contain information about the ZN variant inflators found in 2007–2011 Ford Rangers, which Mazda (and Ford) contends is representative of the 2007–2009 Mazda B-Series vehicles at issue here. Therefore, NHTSA has considered the information derived from the covered Ford inflators pertaining to the Ford Rangers (prefix ZN)—upon which Mazda relies—as part of the evidence supporting this decision.

Taking into account Mazda's Petition and the information presented by Ford to the Agency in October 2018 and November 2020,[89] several arguments underpin Mazda's Petition. In sum: There is a difference in expected performance between desiccated and non-desiccated Takata PSAN inflators; that there are design differences between the covered Mazda inflators and another variant of the same type; that although there are signs of aging in field returns, there is no indication of propellant degradation that could lead to rupture and no imminent safety risk; and that no ruptures of the covered inflators are expected to occur for at least over twenty-six years of cumulative exposure in the worst-case environment, for the worst-case vehicle configuration, and worst-case customer usage. These arguments are supported by analyses recited in the joint petition with Ford, additional subsequent analyses done by Ford, results of inflator testing and analyses conducted by three outside entities, and predictive modeling.

A. Statistical Analysis of MEAF Data

Ford undertook a statistical analysis of data in the Master Engineering Analysis File (''MEAF''),[90] which it and Mazda contend ''shows a clear difference in expected field performance between desiccated and non-desiccated inflators,'' and ''suggests that the factors causing degradation in the non-desiccated population of inflators are not currently affecting'' the inflators at issue.[91] Four charts underpin these assertions.

The first chart is of box plots of primary-chamber pressures of covered Ford inflators by age, for which it is asserted that there is ''[n]o significant trend of primary pressure increase with inflator age.'' [92] The second chart is a lognormal histogram illustrating the frequency of maximum values of primary-chamber pressure of covered Ford inflators, which Ford and Mazda assert shows that the probability of a covered Ford inflator exceeding a 92.37 MPa ''threshold'' [93] is estimated as less than 1×10^{-15}.[94] A third chart

[81] *Cf. Gen. Motors Corporation; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19899 (Apr. 14, 2004) (citing prior cases where noncompliance was expected to be imperceptible, or nearly so, to vehicle occupants or approaching drivers).

[82] *See Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355 (June 12, 2013) (finding noncompliance had no effect on occupant safety because it had no effect on the proper operation of the occupant classification system and the correct deployment of an air bag); *Osram Sylvania Prods. Inc.; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 46000 (July 30, 2013) (finding occupant using noncompliant light source would not be exposed to significantly greater risk than occupant using similar compliant light source).

[83] *See Combi USA Inc., Denial of Petition for Decision of Inconsequential Noncompliance,* 78 FR 71028, 71030 (Nov. 27, 2013).

[84] *Morgan 3 Wheeler Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21666 (Apr. 12, 2016).

[85] *United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977) (finding defect poses an unreasonable risk when it ''results in hazards as potentially dangerous as sudden engine fire, and where there is no dispute that at least some such hazards, in this case fires, can definitely be expected to occur in the future'').

[86] *See Mercedes-Benz, U.S.A., L.L.C.; Denial of Application for Decision of Inconsequential Noncompliance,* 66 FR 38342 (July 23, 2001) (rejecting argument that noncompliance was inconsequential because of the small number of vehicles affected); *Aston Martin Lagonda Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 41370 (June 24, 2016) (noting that situations involving individuals trapped in motor vehicles—while infrequent—are consequential to safety); *Morgan 3 Wheeler Ltd.; Denial of Petition for Decision of Inconsequential Noncompliance,* 81 FR 21663, 21664 (Apr. 12, 2016) (rejecting argument that petition should be granted because the vehicle was produced in very low numbers and likely to be operated on a limited basis).

[87] *See Gen. Motors Corp.; Ruling on Petition for Determination of Inconsequential Noncompliance,* 69 FR 19897, 19900 (Apr. 14, 2004); *Cosco Inc.; Denial of Application for Decision of Inconsequential Noncompliance,* 64 FR 29408, 29409 (June 1, 1999).

[88] Petition at 11. Covered inflators with the prefix ZN were installed in these Rangers.

[89] *See* NHTSA docket No. 2017–0093.

[90] For several years, Takata has inspected, tested, and analyzed inflators returned from the field. The compiled and summarized test results for hundreds of thousands of inflators are contained in the Takata MEAF, which is updated on an ongoing basis. Takata's MEAF file was available to the Agency in making its determination, and it is from this file that some of the information considered by the Agency was derived, and discussed herein.

[91] November 2020 Presentation at 11; October 2018 Presentation at 14.

[92] November 2020 Presentation at 7; October 2018 Presentation at 10.

[93] This appears to be the level at which Ford considers an abnormal deployment to be a potentiality. This 92.37 figure is used throughout the materials.

[94] November 2020 Presentation at 8; October 2018 Presentation at 11.

illustrates predicted primary-chamber pressure for covered Ford inflators with probability curves for three module ages—15, 20, and 30 years old, for which it is contended shows that the probability of a module with thirty years in service exceeding a 92.37 MPa threshold is 6.56×10^{-6}.[95] And a fourth chart consists of probability plots (log normalized, 95% confidence) comparing primary-chamber pressure maximum values between Ford modules with desiccated Takata PSAN inflators and Ford modules with non-desiccated Takata PSAN inflators.[96] Ford and Mazda contend that this shows that the probability of exceeding a 92.37 MPa threshold for desiccated parts ''is several orders of magnitude lower than that of non-desiccated parts.'' [97]

B. Takata's Live Dissections and Ballistic Testing

According to Ford and Mazda, Takata analyzed 1,992 calcium-sulfate desiccated PSDI–5 driver-side air bag inflators returned from the field from Ford vehicles, which included 1,008 inflators from Ford Ranger vehicles [98] and 984 from Fusion/Edge vehicles.[99] Analysis involved both live dissections and ballistic testing, with 1,257 inflators subject to ballistic testing, and 735 inflators subject to live dissection.[100] Ford and Mazda conclude from the results that while ''no indication of degradation that could lead to a rupture and no imminent risk to safety has been identified,'' Takata's analysis did ''identif[y] signs of aging'' in the inflators.[101]

The nature or results of this ballistic testing and live dissection were not much further explained in the October 2018 or the November 2020 Presentations. The Petition does, however, further describe such analyses with respect to the approximately 423 inflators from Ford Rangers that Takata had analyzed at that point.[102]

The Petition asserts that about 360 live dissections of the Ford Ranger inflators demonstrated ''consistent inflator output performance''—specifically, that measurements of ignition-tablet discoloration, ''generate'' density,[103] and moisture content of certain inflator constituents did not indicate a reduction-in-density trend.[104] The Petition describes that during visual inspection of the inflators, ''Takata observed slight discoloration of the propellant tablets in the primary and secondary chambers,'' but that such discoloration ''is not an indicant by itself that the propellant has degraded''—only that the propellant had been exposed to elevated temperatures.[105] Takata also observed changes in color in the primary and secondary booster auto-ignition tablets.[106] On a scale of 1–10, with a discoloration of 10 ''indicating severe exposure'' to elevated temperatures, the Petition states that ''the vast majority'' [107] of observed discoloration in inflators obtained from vehicles in certain high-heat-and-humidity states ''was within the 1–3 range after seven to eleven years of vehicle service,'' while acknowledging that ''[s]even samples were in the 5–6 range.'' [108] Accordingly, the Petition asserts, the results of visual inspection ''evidence time-in-service, but not tablet density loss.'' [109] The Petition also states that Takata took density measurements of propellant tablets in the primary and secondary chambers of covered Ford inflators.[110] ''[A] small number of samples [111] were measured with a density slightly below the minimum average tablet production specification,'' although it was noted that ''a nearly equal number . . . measured densities higher than the maximum average tablet production specification.'' [112] The Petition argues that such data does ''not support a conclusion that tablet density is degrading in the inflators designed for Ford after 10 years of service.'' [113]

The Petition contends that the conclusions therein are further supported by forty-seven ballistic deployment tests that showed no inflator exceeding the production primary-chamber pressure performance specifications.[114] The results of these tests are, according to the Petition, consistent with data from newly manufactured PSDI–5 inflators in Ford vehicles.[115] The Petition also emphasizes that Takata did not observe pressure vessel ruptures or pressure excursions on any desiccated PSDI–5 inflator, and that ''[t]he maximum primary chamber pressure that Takata measured'' in covered Ford inflators was about 15 MPa lower than that measured in a covered Nissan inflator (which exhibited primary chamber pressure exceeding 60 MPa).[116]

C. ''Design Differences'' in Inflators Equipped in Ford Vehicles

The Petition contends that ''[t]here are significant design differences'' in the covered Ford inflators when compared to the covered Nissan inflators, and that such differences may explain differences observed between the inflator variants in generate properties and during testing.[117] The Petition cites the Ford inflator variants as having ''fewer potential moisture sources'' because the inflators contain only two, foil-wrapped auto-ignition tablets (instead of three that are not foil-wrapped), contain divider disk foil tape, and utilize certain EPDM generate cushion material (instead of ceramic) that ''reduces generate movement over time, maintains generate integrity, and leads to consistent and predictable burn rates.'' [118] The Petition posits that such differences may explain differences observed between the two inflator variants' generate material properties, and ballistic-testing results.[119]

D. Northrop Grumman's Analysis

Northrop Grumman (''NG'') analyzed covered Ford inflators, results of which were presented to the Agency

[95] November 2020 Presentation at 9; October 2018 Presentation at 12.

[96] November 2020 Presentation at 10; October 2018 Presentation at 13.

[97] *Id.*

[98] Mazda noted in its Petition that twenty of these inflators were from salvage yards ''where the conditions used to store the parts cannot be determined.'' Petition at 11.

[99] November 2020 Presentation at 12; October 2018 Presentation at 7. Takata also analyzed 895 inflators from Nissan Versa vehicles. *See* Recall No. 17V–449; Petition at 11 (''approximately 1,000'').

[100] November 2020 Presentation at 12; October 2018 Presentation at 15; *see* Petition at 14.

[101] November 2020 Presentation at 12; October 2018 Presentation at 15.

[102] Petition at 14. Twenty of the inflators from Ford Rangers were from salvage yards ''where the conditions used to store the parts cannot be determined.'' *Id.* at 11.

When Mazda filed its Petition, Takata had analyzed over 1,300 of its calcium-sulfate desiccated PSDI–5 driver-side air bag inflators: the approximately 423 inflators from Ford Rangers, and the remainder from Nissan Versa vehicles. *Id.* at 14.

[103] The term ''generate'' is utilized throughout the Petition. *See, e.g.,* Petition at 3 (''generate system'') & 6 (''generate''). In the Agency's experience, ''generate'' is not among nomenclature commonly used with respect to air bag inflators—NHTSA is more familiar with the term ''generant.'' In context, however, it appears that this is referring to an inflator's function generating gas to inflate the air bag, or the air bag inflator's propellant itself. *See id.; see also id.* at 15 (referring to ''Generate—2004,'' indicating a reference to a particular type of propellant produced by Takata).

[104] *Id.* at 11–12.

[105] *Id.* at 12.

[106] *Id.*

[107] The exact size of this ''vast majority'' was not provided.

[108] Petition at 12.

[109] *Id.*

[110] *Id.*

[111] Mazda did not state the exact size of this sample.

[112] Petition at 12–13.

[113] *Id.* at 13.

[114] *Id.* at 12–13.

[115] *Id.* at 14.

[116] *Id.*

[117] *Id.* at 14–15.

[118] *Id.* at 15–16 (providing table).

[119] *Id.* at 14–15; *see also* November 2020 Presentation at 31; October 2018 Presentation at 29–30.

subsequent to Mazda's filing of its Petition. According to Ford and Mazda, NG's assessment of field-return parts and modeling ''identified expected signs of aging but no indication of degradation that could lead to rupture,'' and the assessment ''identified clear and significant differences between desiccated and non-desiccated inflators of similar age and design.'' [120]

Specifically, NG undertook 58 dissections, 138 tank tests, MEAF analysis, design comparisons, CT scans, and ballistic modeling. The inflators subject to dissection and tank tests included inflators from Ford Rangers (2006–2007, prefix ZN) and Fusions (2006–2008, prefix ZQ) in South Florida; Edges (2006–2008, prefix ZQ) in South Florida and Georgia; Rangers (2006–2007, prefix ZN) in Arizona, Rangers in Michigan (2006–2008, prefix ZN); and virgin inflators (prefixes ZN and ZQ).[121]

NG also completed probability-of-failure projections for the covered Ford inflators under its inflator aging model, on which Ford and Mazda updated the Agency in November 2020.[122] The results of those projections were considered in conjunction with anticipated vehicle attrition and the probabilities of crashes with air bag deployments.[123]

1. Live Dissections

According to Ford and Mazda, NG performed various assessments related to live dissections of inflators: [124]

• *Propellant health analysis.* According to Ford and Mazda, the covered Ford inflators are susceptible to energetic disassembly when tablet density is at 1.64 g/cc or lower,[125] and the densities of the tablets from such returned inflators were measured ''well above'' 1.63–1.64 g/cc.

• *AI–1 analysis.* NG measured the propellant tablets for outer diameter (''OD''), weight, and color. Ford and Mazda state that the OD and weight of field returns were ''similar'' to virgin inflators. Also according to Ford, ''[i]n older undesiccated inflators, the AI–1 tablet color is an indicator of age based on humidity and temperature exposure in the field, and the returned inflators retained a 0–2 color (10 the darkest),'' which was ''similar'' to virgin inflators. Ford and Mazda further note that thermogravimetric analysis ''indicated similar weight loss to virgin samples.''

• *Moisture content.* According to Ford and Mazda, the propellants from the returned inflators were lower in moisture content than non-desiccated PSDI–5 inflators (prefix ZA) and desiccated PSDI–5 (prefix YT) inflators.

• *X-ray micro-computed tomography (micro-CT scan).* Ford and Mazda assert that ''[n]o definitive trend was observed with respect to void count, size, or total volume, and tablet density.'' According to Ford and Mazda, ''[t]ypically, 20,000 voids were identified ranging in size from 1×10^{-5} to .3 cubic millimeters.''

• *Scanning electron microscope (SEM).* NG processed 2004 tablets from non-desiccated PSAN inflators (prefix ZA) through the Independent Testing Coalition's (''ITC'') aging study (1920 cycles).[126] Those had ''higher surface roughness than tablets from Ford desiccated inflators.'' Propellant in desiccated PSDI–5 inflators (prefixes GE and YT) aged at 1920 cycles, according to Ford and Mazda, also had higher surface roughness than propellant in the field-returned Ford PSDI–5 inflators (prefixes ZN and ZQ)—which had surface roughness ''similar'' to propellant in virgin inflators.

• *Burn rate (closed bomb).* According to Ford and Mazda, ''[n]o significant differences were observed between 2004 propellant from virgin and returned inflators,'' and ''[n]o anomalous pressure traces were observed.''

• *O-ring.* Ford and Mazda state that ''[a]lthough a significant decrease in [O]-ring squeeze is observed in the 2006–8 PSDI–5D inflator igniter assembly sealing system, the remaining squeeze is deemed acceptable to prevent moisture leakage around the O-ring.'' According to Ford and Mazda, older O-rings have a loss of resiliency from a decrease in the horizontal diameter that occurs with increasing age.

• *Inflator Tank Testing.* Ford and Mazda state that results showed one Ford PSDI–5 inflator (ZN prefix) with a chamber pressure approximately 20% higher than the average of the other tested inflators. According to Ford and Mazda, ''[a]ll other PSDI–5 ZN curves were grouped tightly with the virgin inflators,'' as were the ZQ prefix inflators. Ford and Mazda also note that the inflator with the higher pressure was from a vehicle in Michigan, and that the pressure ''was well below any expected inflator rupture pressure.''

2. Ballistic Modeling

NG developed ballistic models ''to investigate the observed performance behavior of Ford PSDI–5 ZN and ZQ inflators and to evaluate the potential sensitivity of the inflators to certain design deviations.'' [127] Representative performance models were anchored to measured pressure data from virgin inflators.[128] ''The models simulated inflator ignition, chamber volumetric filling, burst tape rupture, ignition delay between chambers and steady state combustion.'' [129] According to Ford and Mazda, the PSDI–5 design required ''significant degradation of the 2004 propellant tablets'' to obtain failure pressures.[130] Specifically, ''[a]n equivalent low press tablet density below 1.631 g/cc was required to produce sufficient augmented burning.'' [131] Ford states that such degradation was not observed in the field returns of covered Ford inflators.[132]

3. MEAF Assessment

NG analyzed MEAF data up to February 2018 to determine whether covered Ford inflators had energetic deployment (''ED'') rates were dependent on platform, inflator age, climate zone, or other factors.[133] Among the ''key'' findings according to Ford: For non-desiccated PSDI–5 inflators, abnormal deployments began to occur after 10.5 years, and EDs after 11.5 years; inflator variants with calcium-sulfate desiccant experienced normal deployments up to 12.5 years (which at the time were the oldest inflators contained in the MEAF); the calcium-sulfate desiccant ''appear[ed] to be largely saturated after 8 years;'' and the covered Ford inflators contained less moisture in the 3110 booster propellant than the non-desiccated inflators.[134]

4. Probability-of-Failure Projections

In the November 2020 Presentation to the Agency, Ford and Mazda cite NG's PSAN Inflator Test Program and Predictive Aging Model Final Report from October 2019 (''NG Model''),[135]

[120] November 2020 Presentation at 13; October 2018 Presentation at 16.

[121] November 2020 Presentation at 14; October 2018 Presentation at 17.

[122] November 2020 Presentation at 22.

[123] *Id.*

[124] November 2020 Presentation at 15–16; October 2018 Presentation at 18–19.

[125] Although not explained, this assertion appears to be derived from NG's ballistic modeling, which found that ''[a]n equivalent low press tablet density below 1.631 g/cc was required to produce sufficient augmented burning.'' *See* November 2020 Presentation at 17; October 2018 Presentation at 20.

[126] The ITC is funded by a consortium of vehicle manufacturers.

[127] November 2020 Presentation at 17; October 2018 Presentation at 20.

[128] *Id.*

[129] *Id.*

[130] *Id.*

[131] *Id.*

[132] *Id.*

[133] *Id.*

[134] *Id.*

[135] NG previously submitted this report to the Agency, which contains information regarding the

Continued

first observing that this report indicates that for another OEM's PSDI–5 inflator with a calcium-sulfate desiccant (prefix YT), a T3 vehicle in Miami with the most severe aging (top 1%, hereinafter a ''1% usage'' vehicle), may reach a probability of failure of 1 in 10,000 (.01%) in less than thirty years.[136] Ford and Mazda then state that under the NG model, for the Ford covered inflators prefixes ZN and ZQ, a 1% usage T3 vehicle in Miami has an expected 25.7 and 25.6 years, respectively, to a .01% probability of failure.[137] Ford further states that this is an additional two years when compared to the YT prefix version of the inflator (of another OEM).[138]

Ford and Mazda then assert that the earliest Fusion/Milan/MKZ vehicles equipped with the covered Ford inflators were built in 2005, and that if those vehicles perform as T3 vehicles, the earliest calendar year for a 1 in 10,000 probability of failure is 2031 for a 1% usage vehicle.[139] Similarly, Ford and Mazda assert that the earliest Ranger, Edge/MKX vehicles equipped with the covered Ford inflators were built in 2006, and that if those vehicles perform as T3 vehicles, the earliest calendar year for a 1 in 10,000 probability of failure is 2032 for a 1% usage vehicle.[140]

Ford and Mazda build on these assertions by stating that ''for a rupture to occur the vehicle must be in service and experience a crash resulting in airbag deployment,'' and that based on vehicle attrition and crash statistics, Ford and Mazda do not project a field event at twenty-six years of service.[141] The below data is provided in support:[142]

Vehicle	Model year	Volume (Florida)	Probability of inflator rupture [143] at 26 years in service	Expected cumulative events at 26 years in service
Fusion	2006–2012	75,232	5.08E–07	0.038
MKZ	2006–2012			
Milan	2006–2011			
Edge	2007–2010	39,161	6.34E–07	0.025
MKX	2007–2010			
Ranger	2007–2011			

Ford and Mazda therefore state that the earliest a vehicle in a Miami-type environment may reach a .01% probability of failure is over a decade in the future for a 1%-usage T3 vehicle and that, in other words, ''the predictive model suggests that no inflator ruptures are expected to occur for at least 26 years of cumulative exposure in the worst case environment, worst case vehicle configuration, and worst case customer usage'' (*i.e.,* 2031 for the oldest vehicles).[144]

Ford and Mazda also make several other observations, including that: [145]

- ''[s]tudying parts prior to approximately 16–18 years in service would not identify meaningful inflator aging information'' (*i.e.,* 2023 for the oldest vehicles);
- the ITC, in coordination with NG, is conducting a surveillance program for desiccated Takata PSAN inflators, and data gathered from that program can validate the NG models;
- ''[w]ith newer inflators that have not yet shown signs of aging, there is a significant opportunity for improving the fidelity and accuracy of the model with enhanced anchoring data''; and
- there is time for a separate surveillance program for the covered Ford inflators ''well before any potential risk is projected'' after the results of NG's surveillance program that are expected in 2021.

Ford and Mazda conclude that they ''believe[] that the current data indicates that the subject inflators do not present an unreasonable risk to safety and that it supports granting the petition.'' [146]

E. Additional Third-Party Analysis

According to Ford and Mazda, an additional Third Party found that no pressure excursions were detected in the covered Ford inflators analyzed to date.[147] The Third Party also found that some field inflators experienced porosity growth greater than virgin inflators with 2004 propellant, ''but not to a level sufficient to cause pressure excursions in bomb testing.'' [148] In addition, ''[n]o significant increase in tablet ODs was observed for field populations'' of covered inflators.[149] These findings were derived from live dissections performed on 39 inflators and deployment tests on 65 inflators.[150] The inflators were field-return parts obtained from Florida, Michigan, and Ohio.[151]

VI. Response to Mazda's Petition and Supporting Information and Analyses

Mazda's seeks through its Petition and supporting analysis to show that the covered Mazda inflators are not at risk of rupture such that the defect is inconsequential to safety. First, as noted above, when taking into consideration the Agency's noncompliance precedent, an important factor is also the severity of the consequence of the defect were it to occur—*i.e.,* the safety risk to an occupant who is exposed to an inflator rupture. Mazda did not provide any information to suggest that result would be any different were a covered Mazda inflator to rupture in a Mazda vehicle.

Second, as a general matter, at various points Mazda's Petition implicitly appears to adopt the covered Nissan inflators as a standard for

safety of desiccated Takata PSAN inflators. The report is available at *https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/ngis_takata_investigation_final_report_oct_2019.pdf.*

[136] November 2020 Presentation at 23. T3 refers to a ''temperature band.'' Under NG's report, there are three temperature bands—T1, T2, T3. T3 is the highest temperature band, representing vehicles with maximum inflator temperatures near or slightly above 70 °C. NG Report at 18–19; *see* November Presentation at 24. The ''1% usage vehicle'' refers to a vehicle with the most severe environmental exposure based on customer usage. *See* November 2020 Presentation at 24.

[137] November 2020 Presentation at 25.

[138] *Id.*

[139] *Id.* at 26.

[140] *Id.*

[141] *Id.*

[142] *Id.*

[143] Ford and Mazda note this was ''[a]djusted for the population attrition & accident probabilities using vehicles currently registered in Florida (not all of which have always been registered in Florida).'' *Id.*

[144] *Id.* at 26–27.

[145] *Id.* at 27.

[146] *Id.*

[147] *Id.* at 18; October 2018 Presentation at 21.

[148] *Id.*

[149] *Id.*

[150] *Id.*

[151] *Id.*

inconsequentiality. However, differentiating the covered Mazda inflators from the covered Nissan inflators, *e.g.,* through ballistic-testing or live-dissection results, does not directly answer the question of whether the defect in the covered Mazda inflators is, on its own merits, inconsequential to motor vehicle safety. Even assuming that the covered Mazda inflators compare favorably to the covered Nissan inflators, NHTSA has not made an inconsequentiality determination for the covered Nissan inflators—nor will it be doing so.[152] It was similarly argued in subsequent materials, for example with regard to NG's live dissections and predictive-model results, as well as Ford's statistical analysis of the MEAF, that the covered Ford inflators compared favorably to other inflator variants, and even to non-desiccated inflators. Merely demonstrating that one's own defective product compares favorably to another's defective product does not suffice for an inconsequentiality determination.

Relatedly, the argument regarding ''design differences'' between the covered Ford and covered Nissan inflators appears to be more of an identification of areas for further study or potential explanation—not a standalone argument in support of an inconsequentiality determination. Design differences are identified ''that *may* account for the difference in material properties of the generate'' and differences in pressures measured during ballistic testing of the inflators.[153] These design differences were not persuasively connected to meaningful improved performance in generate-properties and pressure differences[154] and, even if they were, the covered Nissan inflators are not a proxy standard for inconsequentiality.

In addition to these issues, signs of aging were observed in the covered Ford inflators; the sample sizes used for the analyses were limited; and there are shortcomings regarding various analyses that undermine their conclusions—including some information that was missing or unclear. The probability-of-failure projections are also unpersuasive, and notably belied by the limited evidence available from ballistic testing and analysis on real-world field returns of the covered Ford inflators. These additional issues are discussed below.

A. Signs of Aging

Ford and Mazda admit that signs of aging were observed in the covered Ford inflators. While this is indirectly dismissed as a non-issue—with the conclusion that there is no degradation ''that would signal either an imminent or developing risk to safety''—aging leads to degradation, which leads to risk of inflator rupture. Further, the 2004 propellant that is present in the covered Mazda inflators degrades until, at some point, it no longer burns normally, but in an accelerated and unpredictable manner that can cause an inflator rupture. ''The purpose of the Safety Act . . . is to prevent serious injuries stemming from established defects before they occur.'' [155] And as CAS commented, ''tests demonstrating that inflators are 'OK for now' in no way ensures safety throughout the maximum useful life of these vehicles.'' [156]

B. Samples

The Agency finds shortcomings in the sample sizes utilized in the analyses. The total field-return sample (for ZN and ZQ collectively) was, across the Takata, NG, and the additional Third Party analyses, less than 3,000 inflators for an affected population of over 3 million (Ford) vehicles. Ford and Mazda presented analysis from Takata of fewer than 2,000 inflators, while NG analyzed only 196, and the additional Third Party analyzed just over 100. In total, 1,460 ballistic tests are cited, which is approximately .05% of the total population in which the covered Ford and Mazda inflators were installed. Specific to the Ford Ranger, the exact sample size of ZN inflators for all analyses is less than 1,250.[157] This figure is approximately .25% of the combined Ranger and B-Series population (approximately 495,000). By comparison, for example, those percentages are much smaller than the percentage of inflators tested as of November 2019 in a mid-sized pick-up vehicle population equipped with non-desiccated PSAN inflators—1.81%—with one observed test rupture. Ford's statistical analysis of the MEAF regarding Pc Primary Max Value frequency[158] was also based on only 1,247 inflators.[159]

C. Additional Underlying Information

Other shortcomings regarding various analyses presented here—including some information that was missing or unclear—further undermine the associated conclusions. These are identifiable in both Mazda's Petition and in the subsequent Presentations to the Agency.

1. Mazda's Petition

As an initial matter, Mazda submitted little of the underlying data, and did not fully explain the underlying methodologies and results, associated with the arguments in its 2017 Petition. More specifically, one of the arguments in Mazda's Petition is that Takata's live dissections of covered Ford inflators does not show tablet-density degradation or increased inflation pressure, and therefore, Takata ''did not identify a reduction in density trend'' in the covered Ford inflators.[160] Tablet discoloration was graded on a qualitative 1–10 scale, but to what discoloration characteristics each level of this scale corresponds is not explained. And the conclusion that a ''vast majority'' of discoloration in certain inflators was within a certain low range of discoloration (with seven samples in a certain mid-range) is vague, and information about the specific distribution of the results (*e.g.,* the number of inflators receiving each discoloration value or the number of inflators in each Zone) was not provided.[161]

Mazda also provides little information about the specific inflators tested and associated results with regard to density measurements—such as actual dimensions, mass, and densities, among measurements—instead largely relying

[152] Ford's comparisons might carry more evidentiary weight if, for instance, the Agency had previously granted an inconsequentiality petition from Nissan for its covered inflators. Nissan did not petition the Agency for an inconsequentiality determination for its covered inflators. *See also* 49 CFR 556.4(c) (requiring such a petition is submitted not later than thirty days after defect or noncompliance determination).

[153] Petition at 14–15 (emphasis added).

[154] Moreover, as described further below, based on recent MEAF data, one covered Ford inflator has the highest chamber pressure tested for Takata calcium-sulfate desiccated PSDI–5 inflators.

[155] *United States* v. *Gen. Motors Corp.,* 565 F.2d 754, 759 (D.C. Cir. 1977).

[156] *See* Comments at 3.

[157] The exact number of ballistic tests conducted on the ZN-variant inflators installed in Rangers (and therefore the percentage of that population of which that number is comprised) is difficult to discern from the materials submitted to the Agency.

[158] *See* November 2020 Presentation at 8.

[159] Moreover, twenty of the inflators (from Ranger vehicles) were from salvage yards, ''where the conditions used to store the parts cannot be determined.'' Petition at 11. Further highlighting the significance of this shortcoming, Mazda noted in its Petition the potential importance of ''vehicle environment'' with respect to inflator-degradation risk but did not elaborate on this suggestion elsewhere in its Petition. *See id.* at 2; *id.* 14–16 (focusing on design differences between the covered Ford inflators and covered Nissan inflators). For purposes of its arguments related to the NG Model, Ford and Mazda presented a worst-case scenario, where it was assumed for purposes of that scenario that the vehicles at issue would be in the T3 temperature band.

[160] *Id.* at 11.

[161] *See id.* at 12.

on general descriptions of the results.[162] For inflation pressure, Mazda offers evidence of ballistic tests, although the breakdown of this sample with regard to vehicle model year and location, as well as how many of these inflators were obtained from salvage yards with unknown environment exposures (and the associated results) was not provided.[163]

2. Subsequent Submissions to the Agency

The statistical analysis of the MEAF contains several shortcomings in the first two charts [164]—box plots of primary-chamber pressure by age of inflator, and a lognormal histogram of maximum values illustrating the frequency of maximum values of primary-chamber pressure of covered Ford inflators. In the box plots, it is not specified or illustrated what a ''normal'' or ''expected'' primary-chamber pressure would be. Nor is there information showing how many inflators each age group comprises—although the lack of whiskers in the box plot for inflators aged thirteen years suggests that, at least for that age group, the sample size is small. There are also outlier pressure values observed in the nine- to twelve-year age groups, which concern the Agency. And in the histogram, results among different inflator ages are not distinguished—which would have highlighted any trends in primary-chamber pressure maximum values based on age.

There are also several shortcomings with the second two charts [165]—the probability curves for module ages, and probability plots comparing primary-chamber pressure maximum values of Ford modules with desiccated and non-desiccated inflators, respectively. As to the probability curves, while details were not provided, this analysis appears to assume that degradation will proceed linearly. However, researchers that have been most closely involved in analyzing Takata inflators, including NG, all seem to agree that the degradation process is, at the very least, complex, and does not follow a linear trajectory. Instead, the 2004 propellant that is present in the covered Mazda inflators degrades until, at some point, it no longer burns normally, but in an accelerated and unpredictable manner that can cause an inflator rupture. As to the probability plots, while a comparison between desiccated and non-desiccated inflators is somewhat informative from a broad perspective, it is too general to lend much support to Mazda's Petition, and as noted above the performance of non-desiccated Takata PSAN inflators is not a sound benchmark for whether the defect in the covered Mazda inflators is inconsequential to safety.

Regarding NG's analysis, as an initial matter, over a quarter of the 196 inflators analyzed were non-aged/virgin inflators and, further, degradation would not be expected in the inflators from Michigan (from which, collectively, 55 of the inflators were obtained). Aging in inflator O-rings from this analysis is also acknowledged. In addition, there are several particular issues with NG's live dissections worth noting. Findings regarding moisture content are of limited value, and important information on the comparator prefix ZA and YT inflators—*e.g.,* age and the geographic region in which they were used. As to the SEM results, it is not explained how the concept of surface roughness relates to the long-term safety of the inflators at issue here. Similarly, regarding the additional Third Party's analysis, OD growth for the tablet grain form has not been found to be reliable indicator of propellant health, and it is not demonstrated otherwise.

D. Probability-of-Failure Projections

The probability-of-failure projections are also unpersuasive. As previously described, these projections, submitted in support of Ford's Petition in November 2020, are based on the NG Model. While the projections are informative in various respects, NHTSA does not view the Model's outputs for the inflators at issue as fully squaring with the evidence available for those inflators from real-world field returns [166]—which renders what is provided here unpersuasive for the purposes of Mazda's Petition. Even with the limited testing evidence available, ballistic testing of field returns of the covered Ford inflators includes three inflator deployments with primary-chamber pressures between 60 and 70 MPa—coming from two ZQ inflators with a field age between 12 and 13 years (one of which exhibited a pressure of 68 MPa), and one ZN inflator with a field age between 10 and 11 years.[167] In the Agency's experience, such primary-chamber pressure results are indicative of propellant degradation and potential future rupture risk. The nature of these results, in addition to causing concern, undercuts one of the notable arguments in Mazda's Petition: That ''[t]he maximum primary chamber pressure that Takata measured'' in covered Ford inflators was about 15 MPa lower than that measured in a covered Nissan inflator (which exhibited primary chamber pressure exceeding 60 MPa). Indeed, at least three covered Ford inflators have now exceeded 60 MPa in ballistic testing (one ZN, two ZQ), and according to recent MEAF data, one of these inflators (of the ZQ variant) has the highest chamber pressure tested for Takata calcium-sulfate desiccated PSDI–5 inflators.

Data from the MEAF also may suggest the beginning stages of notable density changes in propellant tablets in the covered Ford inflators with increasing field age. Recent results from primary tablets in inflators with field ages between 12 and 14 years show four inflators with density measurements near (or below) 1.68 g/cc; according to Ford, 1.64 g/cc is the point at which the PSDI–5 inflators with 2004 tablets are susceptible to energetic disassembly.[168] Similarly, there are a number of field returns measured with secondary-chamber tablet densities under 1.66 g/cc (mostly ZN, although one ZQ inflator), including ZN inflators under 1.64 g/cc—one of which was measured as low as 1.62 g/cc. This undermines the contention that the densities of the tablets from returned covered Ford inflators were measured ''well above'' 1.63–1.64 g/cc, as well as assertions regarding the results of visual inspections that it contends ''evidence time-in-service, but not tablet density loss.''

The above results from real-world field returns signal that propellant degradation in the covered Ford

[162] *See id.* at 12–13 (''[A] small number of samples were measured with a density slightly below the minimum average tablet production specification, while a nearly equal number of samples measured densities higher than the maximum . . . .'').

[163] *See id.* at 13.

[164] The presentation of the results of these analyses did not distinguish between ZN and ZQ inflators.

[165] The presentation of the results of these analyses did not distinguish between ZN and ZQ inflators.

[166] While it may be possible to age an inflator artificially in a manner that replicates aging characteristics in the field (and then test those inflators), Mazda did not attempt to do this for the covered Mazda inflators (nor did Ford for the covered Ford inflators).

[167] Also notable is that all three results are over three standard deviations above even the averagefield-return results for ZN and ZQ inflators collectively (for which Agency would expect a higher average than virgin inflators).

Ford and Mazda also noted a ZN inflator tested by NG with a chamber pressure approximately 20% higher than the average of the other inflators in tank testing. The specific measurement (and measurements of other NG tests) does not appear to have been provided to the Agency.

[168] These results regard recently tested ZQ inflators with greater field ages than previously tested ZN inflators, although it should also be noted that one ZN inflator with a field age of about 10 years measured a primary-tablet density just above 1.66 g/cc—lower than any result for a ZQ inflator.

inflators (and analogous covered Mazda inflators) is occurring. While the predictive model (and its applicable results) is informative in certain respects, the specific metrics cited cannot be sufficiently squared with the actual testing that has been completed on real-world field returns to be persuasive for Mazda's Petition.[169]

Further, there are shortcomings particular to the metrics on which Mazda relies regarding the Model. Notably, Ford and Mazda contend that ''there are no expected field events projected at 26 years of service.'' [170] However, the figures for an expected number of cumulative field events [171] were cut off at 26 years in service and limited to an analysis of vehicles in Florida—a combined volume of 114,393 vehicles, which is less than 4% of the total population of Ford vehicles at issue (the specific volume of Rangers in Florida is not clear from the submitted information).[172] While such vehicles may be among the highest risk populations, unless it is assumed that there is a cumulative zero probability of inflator rupture (through 26 years in service) for every vehicle in every other State (including States other than Florida with high heat and humidity),[173] these calculations do not reflect the expected cumulative events for the entire population of 3.04 million vehicles installed with calcium-sulfate desiccated Takata inflators through 26 years in service [174]—thereby understating the risk, as suggested by the Model, for the vehicles at issue. In other words, there is not a fleet-level assessment here—the total number of cumulative events expected to occur in the coming years. And in any case, these metrics are undercut by the ballistic results and analysis of field-returned inflators showing elevated pressures and propellant density changes discussed above.

VII. Decision

The relief sought here is extraordinary. Mazda's Petition is quite distinct from previous petitions discussed above relating to defective labels that may (or may not) mislead the user of the vehicle to create an unsafe condition.[175] Nor is the risk here comparable to a deteriorating exterior component of vehicle that—even if an average owner is unlikely to inspect the component—might (or might not) be visibly discerned.[176] Rather, similar to the defect at issue in NHTSA's recent decision on a petition regarding certain non-desiccated Takata PSAN air bag inflators installed in General Motors vehicles, the defect here poses an unsafe condition caused by the degradation of an important component of a safety device that is designed to protect vehicle occupants in crashes.[177] Instead of protecting occupants, this propellant degradation can lead to an uncontrolled explosion of the inflator and propel sharp metal fragments toward occupants in a manner that can cause serious injury and even death.[178] This unsafe condition—hidden in an air bag module—is not discernible even by a diligent vehicle owner, let alone an average owner.[179]

NHTSA has been offered no persuasive reason to think that without a recall, even if current owners are aware of the defect and instant petition, subsequent owners of vehicles equipped with covered Mazda inflators would be made aware of the issue.[180] This is not the type of defect for which notice alone enables an owner to avoid the safety risk. A remedy is required to address the underlying safety defect.

As discussed above, threshold of evidence necessary to prove the inconsequentiality of a defect such as this one—involving the potential performance failure of safety-critical equipment—is very difficult to overcome.[181] Mazda bears a heavy burden, and the evidence and argument it provides suffers from numerous, significant deficiencies, as previously described in detail. In all events, the information that Mazda presents in its Petition and that which is in the subsequent Presentations to the Agency is inadequate to support a grant of Mazda's Petition.

As noted above, at various points, Mazda's Petition appears to focus on differentiating the covered Ford inflators from the covered Nissan inflators—not directly answering the question of whether the defect in the covered Ford inflators (and the covered Mazda inflators) is, on its own merits, inconsequential to motor vehicle safety. It was similarly argued in subsequent materials that the covered Ford inflators compared favorably to another inflator variant of the same type, and even to non-desiccated inflators. These comparisons do not suffice for an inconsequentiality determination. Relatedly, the argument regarding design differences does not suffice to support an inconsequentiality determination. This argument, furthermore, was not persuasively connected to meaningful improved performance in generate-properties and pressure differences (and even if it had

[169] *See also* Exhibit A (Report of Dr. Harold Blomquist) to *Gen. Motors LLC, Denial of Consolidated Petition for Decision of Inconsequential Defect,* 85 FR 76159 (Nov. 27, 2020) at para.272 (indicating that—in assessing a similar model with regard to a petition for inconsequentiality—apparent inconsistencies between that model's predictions and high-pressure ballistic test results of field returns (of inflators not at issue here)—''suggest caution should be used'' in applying the results of that model).

[170] *See* November 2020 Presentation at 26.

[171] These figures, which appear based on the twenty-sixth year of service (the point at which, under the NG Model and according to Ford and Mazda, there is a 1% probability of failure for a covered Ford inflator in a T3 vehicle with the most severe (top 1%) usage factors in Miami), were 0.038 for a population of approximately 75,000 Fusion, MKZ, and Milan vehicles, and 0.025 for a population of approximately 39,000 Edge, MKX, and Ranger vehicles. *See* November 2020 Presentation at 26.

[172] Evidence was not submitted demonstrating that none of the vehicles subject to the Petition would be in service after 26 years—in Florida or otherwise. And while relevant metrics were adjusted for attrition and crash probabilities, specific information about how these adjustments were made was also not submitted.

[173] Although 26 years is—under the NG Model and according to Ford and Mazda—the point at which there is a 1% probability of failure for a covered Ford inflator in a T3 vehicle with the most severe (top 1%) usage factors in Miami, Ford and Mazda do not explain why this is an appropriate point at which to end the analysis of the expected number of cumulative field events.

[174] Similarly, no such calculation was provided specific to the Ford Ranger population installed with ZN inflators.

[175] *See Nat'l Coach Corp.; Denial of Petition for Inconsequential [Defect]*, 47 FR 49517 (Nov. 1, 1982); *Suzuki Motor Co., Ltd.; Grant of Petition for Inconsequential Defect*, 48 FR 27635 (June 16, 1983).

[176] *See Final Determination & Order Regarding Safety Related Defects in the 1971 Fiat Model 850 and the 1970–74 Fiat Model 124 Automobiles Imported and Distributed by Fiat Motors of N. Am., Inc.; Ruling on Petition of Inconsequentiality,* 45 FR 2134 (Jan. 10, 1980).

[177] *See Gen. Motors LLC, Denial of Consolidated Petition for Decision of Inconsequential Defect,* 85 FR 76159 (Nov. 27, 2020).

[178] *See id.* at 76173; *cf. Gen. Motors, LLC; Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 35355–01, 2013 WL 2489784 (June 12, 2013) (finding noncompliance inconsequential where ''occupant classification system will continue to operate as designed and will enable or disable the air bag as intended'').

[179] *See Gen. Motors LLC, Denial of Consolidated Petition for Decision of Inconsequential Defect,* 85 FR 76159, 76173 (Nov. 27, 2020); *Final Determination & Order Regarding Safety Related Defects in the 1971 Fiat Model 850 and the 1970–74 Fiat Model 124 Automobiles Imported and Distributed by Fiat Motors of N. Am., Inc.; Ruling on Petition of Inconsequentiality,* 45 FR 2134 (Jan. 10, 1980) (rejecting argument there was adequate warning to vehicle owners of underbody corrosion, as the average owner does not undertake an inspection of the underbody of a vehicle, and interior corrosion of the underbody may not be visible).

[180] *See Nat'l Coach Corp.; Denial of Petition for Inconsequential [Defect]*, 47 FR 49517 (Nov. 1, 1982) (observing, *inter alia,* that other manufacturers had conducted recalls for similar issues in the past, and that, even if current owners were aware of the issue, subsequent owners were unlikely to be aware absent a recall).

[181] *See Gen. Motors LLC, Denial of Consolidated Petition for Decision of Inconsequential Defect,* 85 FR 76159, 76173 (Nov. 27, 2020).

been, the covered Nissan inflators are not an appropriate proxy standard for inconsequentiality). The sample sizes used for the analyses were also limited, and there are shortcomings regarding various analyses that undermine their conclusions—including some information was missing or unclear.

As a general matter, signs of aging were observed, which leads to propellant degradation, which leads to inflator rupture—and the 2004 propellant that is present in the covered Mazda inflators degrades until, at some point, it no longer burns normally, but in an accelerated and unpredictable manner that can cause an inflator rupture. Perhaps most importantly, even with the limited testing evidence available, ballistic testing of field returns of the covered Ford inflators includes three inflator deployments with primary-chamber pressures between 60 and 70 MPa—coming from two ZQ inflators with a field age between 12 and 13 years (one of which exhibited a pressure of 68 MPa), and one ZN inflator with a field age between 10 and 11 years. Data from the MEAF also appears to indicate the beginning stages of density changes in propellant tablets in the inflators with increasing field age. These results from real-world field returns signal that propellant degradation is occurring, and belie the probability-of-failure projections provided in November 2020 (which have their own additional shortcomings that would lead to an understatement of the potential risk).

Given the severity of the consequence of propellant degradation in these air bag inflators—the rupture of the inflator and metal shrapnel sprayed at vehicle occupants—a finding of inconsequentiality to safety demands extraordinarily robust and persuasive evidence. What Mazda presents here, while valuable and informative in certain respects, suffers from far too many shortcomings, both when the evidence is assessed individually and in its totality, to demonstrate that the defect in covered Mazda inflators is not important or can otherwise be ignored as a matter of safety.

In consideration of the forgoing, NHTSA has decided Mazda has not demonstrated that the defect is inconsequential to motor vehicle safety. Accordingly, Mazda's Petition is hereby denied, and Mazda is obligated to provide notification of, and a remedy for, the defect pursuant to 49 U.S.C. 30118 and 30120. Within 30 days of the issuance of this decision, Ford shall submit to NHTSA a proposed schedule for the notification of vehicle owners and the launch of a remedy required to fulfill those obligations.

Authority: 49 U.S.C. 30101, *et seq.,* 30118, 30120(h), 30162, 30166(b)(1), 30166(g)(1); delegation of authority at 49 CFR 1.95(a); 49 CFR parts 556, 573, 577.

Jeffrey Mark Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2021–01539 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2019–0151]

Pipeline Safety: Request for Special Permit; Natural Gas Pipeline Company of America, LLC

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA); DOT.

ACTION: Notice.

SUMMARY: PHMSA is publishing this notice to solicit public comments on a request for special permit received from the Natural Gas Pipeline Company of America, LLC (NGPL). The special permit request is seeking relief from compliance with certain requirements in the Federal pipeline safety regulations. At the conclusion of the 30-day comment period, PHMSA will review the comments received from this notice as part of its evaluation to grant or deny the special permit request.

DATES: Submit any comments regarding this special permit request by February 25, 2021.

ADDRESSES: Comments should reference the docket number for this special permit request and may be submitted in the following ways:

- *E-Gov Website: http://www.Regulations.gov*. This site allows the public to enter comments on any **Federal Register** notice issued by any agency.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Docket Management System: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

Instructions: You should identify the docket number for the special permit request you are commenting on at the beginning of your comments. If you submit your comments by mail, please submit two (2) copies. To receive confirmation that PHMSA has received your comments, please include a self-addressed stamped postcard. Internet users may submit comments at *http://www.Regulations.gov.*

Note: There is a privacy statement published on *http://www.Regulations.gov.* Comments, including any personal information provided, are posted without changes or edits to *http://www.Regulations.gov.*

Confidential Business Information: Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this notice contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Pursuant to 49 Code of Federal Regulations (CFR) 190.343, you may ask PHMSA to give confidential treatment to information you give to the agency by taking the following steps: (1) Mark each page of the original document submission containing CBI as ''Confidential''; (2) send PHMSA, along with the original document, a second copy of the original document with the CBI deleted; and (3) explain why the information you are submitting is CBI. Unless you are notified otherwise, PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Kay McIver, DOT, PHMSA–PHP–80, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. Any commentary PHMSA receives that is not specifically designated as CBI will be placed in the public docket for this matter.

FOR FURTHER INFORMATION CONTACT:

General: Ms. Kay McIver by telephone at 202–366–0113, or by email at *kay.mciver@dot.gov*.

Technical: Mr. Steve Nanney by telephone at 713–272–2855, or by email at *steve.nanney@dot.gov*.

SUPPLEMENTARY INFORMATION: PHMSA received a special permit request from NGPL, a subsidiary of Kinder Morgan, Inc., seeking a waiver from the requirements of 49 CFR 192.611(a) and (d): Change in class location:

Confirmation or revision of maximum allowable operating pressure, and 49 CFR 192.619(a): Maximum allowable operating pressure: Steel or plastic pipelines. This special permit is being requested in lieu of pipe replacement or pressure reduction for 10 pipeline segments totaling 21,141 feet (approximately 4 miles) of 30-inch diameter pipe on the Gulf Coast Line #1 and the Gulf Coast Line #2 Pipelines, located in Polk County, Texas. The proposed special permit will allow operation of the original Class 1 pipe in the Class 3 locations.

The proposed special permit would allow NGPL to uprate the Gulf Coast Line #1 and Gulf Coast Line #2 Pipelines from a current 715 pounds per square inch gauge (psig) maximum allowable operating pressure (MAOP) to an 858 psig MAOP. The pipeline MAOP uprating is for a new NGPL 2021 contractual obligation to deliver 300,000 dekatherms per day of incremental natural gas volumes to the Cheniere Corpus Christi, Texas Liquefied Natural Gas Terminal.

The Gulf Coast Line #1 Pipeline was constructed between 1951 and 1973. The Gulf Coast Line #2 Pipeline was constructed between 1962 and 1982.

The special permit request, proposed special permit with conditions, and Draft Environmental Assessment (DEA) for the NGPL Gulf Coast Lines #1 and #2 Pipelines are available for review and public comments in Docket No. PHMSA–2019–0151. PHMSA invites interested persons to review and submit comments on the special permit request and DEA in the docket. Please include any comments on potential safety and environmental impacts that may result if the special permit is granted. Comments may include relevant data.

Before issuing a decision on the special permit request, PHMSA will evaluate all comments received on or before the comments closing date. Comments received after the closing date will be evaluated, if it is possible to do so without incurring additional expense or delay. PHMSA will consider each relevant comment it receives in making its decision to grant or deny this special permit request.

Issued in Washington, DC, under authority delegated in 49 CFR 1.97.

Alan K. Mayberry,

Associate Administrator for Pipeline Safety.

[FR Doc. 2021–01654 Filed 1–25–21; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Importer's Records and Reports

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments must be received on or before February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Alcohol and Tobacco Tax and Trade Bureau (TTB)

Title: Importer's Records and Reports (TTB REC 5170/1).

OMB Control Number: 1513–0064.

Type of Review: Extension of a currently approved collection.

Description: Pursuant to chapter 51 of the IRC (26 U.S.C.) and the FAA Act at 27 U.S.C. 201 *et seq.,* TTB regulates, among other things, the importation of distilled spirits, wine, and malt beverages. Pursuant to chapter 52 of the IRC (26 U.S.C.) TTB also regulates the importation of tobacco products, processed tobacco, and cigarette papers and tubes. Those statutory provisions are the basis of the TTB alcohol and tobacco regulations that require importers of those products to obtain permits and to submit certain information upon importation. Customs and Border Protection (CBP) and TTB use the information collected under this request to ensure that alcohol and tobacco product importers have the required permits, have paid the applicable taxes, and that commodities released from customs custody without payment of tax for transfer to a bonded facility are eligible for such release. TTB also uses this collection to ensure that imported alcohol product labels comply with FAA Act requirements. The reporting provisions allow for the submission of import-related information electronically along with the electronic submission of entry information to CBP. In addition, TTB uses the letterhead applications covered under this collection to evaluate requests to vary from the regulatory provisions. The collected information is necessary to ensure applicable tax revenue is paid and that alcohol and tobacco importers comply with Federal laws and regulations.

TTB Recordkeeping Number: TTB REC 5170/1.

Affected Public: Business or other for-profits.

Estimated Number of Respondents: 10,550.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 63,300.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 21,100 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 21, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021–01682 Filed 1–25–21; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Report of Foreign Bank and Financial Accounts

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments must be received on or before February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/*

PRAMain. Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Financial Crimes Enforcement Network (FinCEN)

Title: Reports of foreign financial accounts (31 CFR 1010.350), records to be made and retained by persons having financial interests in foreign financial accounts (31 CFR 1010.420), filing of reports (31 CFR 1010.306(c)), and FinCEN Report 114—Report of Foreign Bank and Financial Accounts (FBAR).

OMB Control Number: 1506–0009.

Type of Review: The legislative framework generally referred to as the Bank Secrecy Act (BSA) consists of the Currency and Financial Transactions Reporting Act of 1970, as amended by the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) (Pub. L. 107–56) and other legislation. The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, 31 U.S.C. 5311–5314 and 5316–5332, and notes thereto, with implementing regulations at 31 CFR chapter X.

The BSA authorizes the Secretary of the Treasury, inter alia, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement anti-money laundering programs and compliance procedures. Regulations implementing the BSA appear at 31 CFR chapter X. The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.

Under 31 U.S.C. 5314, the Secretary is authorized to require any ''resident or citizen of the United States or a person in, and doing business in, the United States, to . . . keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency.'' The term ''foreign financial agency'' encompasses the activities found in the statutory definition of ''financial agency,'' notably, ''a person acting for a person as a financial institution, bailee, depository trustee, or agent, or acting in a similar way related to money, credit, securities, gold, or a transaction in money, credit, securities, or gold.'' The Secretary is also authorized to prescribe exemptions to the reporting requirement and to prescribe other matters the Secretary considers necessary to carry out 31 U.S.C. 5314.

The regulations implementing 31 U.S.C. 5314 appear at 31 CFR 1010.350, 1010.306, and 1010.420. Section 1010.350 generally requires each U.S. person having a financial interest in, or signature or other authority over, a bank, securities, or other financial account in a foreign country to report such relationship to the Commissioner of Internal Revenue for each year such relationship exists, and to provide and report such information specified in a reporting form prescribed under 31 U.S.C. 5314. The FinCEN Report 114, Report of Foreign Bank and Financial Accounts (FBAR), is used to file the information required by this section. The FBAR must be filed electronically with FinCEN and can be completed by accessing FinCEN's BSA E-filing System website: *http://bsaefiling.fincen.treas.gov/main.html.* 31 CFR 1010.306(c) requires the FBAR to be filed for foreign financial accounts exceeding $10,000 maintained during the previous calendar year. No FBAR is required to be filed if the aggregate account value of foreign financial accounts maintained during the previous calendar year is below $10,000. The FBAR must be filed on or before April 15 of each calendar year for accounts maintained during the previous calendar year. 31 CFR 1010.420 outlines the recordkeeping requirements associated with foreign financial accounts required to be reported under section 1010.350. Specifically, filers must retain records of such accounts for a period of five years and make the records available for inspection as authorized by law.

Form: FinCEN Report 114—FBAR.

Affected Public: Individuals or Households, Businesses or other for-profit institutions; Not-for-profit institutions.

Estimated Number of Respondents: 1,273,579.

Frequency of Response: Annually.

Estimated Total Number of Annual Responses: 1,273,579.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 1,273,579 hours.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: January 21, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021–01694 Filed 1–25–21; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Measurement of Assets and Liabilities for Pension Funding Purposes

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments must be received on or before February 25, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Molly Stasko by emailing *PRA@treasury.gov,* calling (202) 622–8922, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Measurement of Assets and Liabilities for Pension Funding Purposes.

OMB Control Number: 1545–2095.

Type of Review: Revision of a currently approved collection.

Description: In order to implement the statutory provisions under sections 430 and 436, this regulation contains collections of information in §§ 1.430(f)–1(f), 1.430(h)(2)–1(e), 1.436–1(f), and 1.436–1(h). The information required under § 1.430(f)–1(f) is required in order for plan sponsors to make elections regarding a plan's credit balances upon occasion. The information under § 1.430(g)–1(d)(3) is required in order for a plan sponsor to include as a plan asset a contribution

made to avoid a restriction under section 436. The information required under § 1.430(h)(2)–1(e) is required in order for a plan sponsor to make an election to use an alternative interest rate for purposes of determining a plan's funding obligations under § 1.430(h)(2)–1. The information required under §§ 1.436–1(f) and 1.436–1(h) is required in order for a qualified defined benefit plan's enrolled actuary to provide a timely certification of the plan's adjusted funding target attainment percentage (AFTAP) for each plan year to avoid certain benefit restrictions.

The Highway and Transportation Funding Act of 2014 (HATFA), Public Law 113–159, was enacted on August 8, 2014, and was effective retroactively for single employer defined benefit pension plans, optional for plan years beginning in 2013 and mandatory for plan years beginning in 2014.

Section 3608(b) of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116–136 provides that for purposes of applying § 436 of the Code (and § 206(g) of ERISA), a sponsor of a single-employer defined benefit pension plan may elect to treat the plan's adjusted funding target attainment percentage (AFTAP) for the last plan year ending before January 1, 2020, as the AFTAP for plan years that include calendar year 2020. Notice 2020–61, in part, provides guidance on the rules relating to this election.

Section 115(a) of the Setting Every Community Up for Retirement Enhancement Act of 2019 (SECURE Act), Division O of the Further Consolidated Appropriations Act, 2020, Public Law 116–94, added new § 430(m) to the Code to permit the plan sponsor of a community newspaper plan under which no participant has had an increase in accrued benefit after December 31, 2017 to elect to have alternative minimum funding standards apply to the plan in lieu of the minimum funding requirements that would otherwise apply under § 430. Pursuant to § 430(m)(2), any election under § 430(m) will be made at such time and in such manner as prescribed by the Secretary, and once an election is made with respect to a plan year, it will apply to all subsequent plan years unless revoked with the consent of the Secretary. Notice 2020–60 provides guidance regarding this election.

Regulation Project Number: REG–139236–07 (TD 9467).

Affected Public: Individuals or Households; Businesses or other for-profit organizations; Not-for profit institutions; and Federal, State, Local, or Tribal governments.

Estimated Number of Respondents: 81,020.

Frequency of Response: On Occasion.

Estimated Total Number of Annual Responses: 81,020.

Estimated Time per Response: 1.5 hour for TD 9467, 1 hour for Notice 2020–61, 4 hours for Notice 2020–60.

Estimated Total Annual Burden Hours: 121,080 hours.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: January 21, 2021.

Molly Stasko,

Treasury PRA Clearance Officer.

[FR Doc. 2021–01684 Filed 1–25–21; 8:45 am]

BILLING CODE 4830–01–P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting Notice; Unified Carrier Registration Plan Board of Directors Meeting

TIME AND DATE: January 28, 2021, from Noon to 3:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and screen sharing. Any interested person may call 877–853–5247 (US toll free), 888–788–0099 (US toll free), +1 929–205–6099 (US toll), or +1 669–900–6833 (US toll), Conference ID 981 5574 7617, to participate in the meeting.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the ''Board'') will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of the meeting will include:

Agenda

I. Welcome and Call to Order—UCR Board Chair

The UCR Board Chair will welcome attendees, call the meeting to order, call roll for the Board, confirm the presence of a quorum, and facilitate self-introductions.

II. Verification of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify publication of the meeting notice on the UCR website and distribution to the UCR contact list via email followed by subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Board Agenda—UCR Board Chair

For Discussion and Possible Action.

Agenda will be reviewed and the Board will consider adoption.

Ground Rules

➢ Board actions taken only in designated areas on agenda

IV. Approval of Minutes of the December 10, 2020 UCR Board Meeting—UCR Board Chair

For Discussion and Possible Action.

Draft Minutes of the December 10, 2020 UCR Board meeting will be reviewed. The Board will consider action to approve.

V. Re-Appointment and Appointment of UCR Board Members—UCR Board Chair and UCR Executive Director

For Discussion and Possible Action.

There are five members of the UCR Board of Directors whose terms expire on May 31, 2021. Four of these Directors have requested re-appointment for additional three-year terms. The remaining Director is willing to continue to serve until a successor is appointed. In addition, one Director from among the chief administrative officers of the state agencies responsible for overseeing administration of the UCR Agreement who is from the Federal Motor Carrier Service Administration's Midwestern service area has tendered her resignation from the UCR Board effective February 19, 2021. The UCR Board will discuss re-appointments and appointments to the UCR Board for these positions and may take action to approve candidates for recommendation to the United States Department of Transportation.

VI. Update on UCR Meeting Schedule for 2021—UCR Executive Director

The UCR Executive Director will provide an update on the scheduled Board and Subcommittee meetings for 2021.

VII. Report of FMCSA—FMCSA Representative

The Federal Motor Carrier Safety Administration (FMCSA) will provide a report on any relevant activity.

VIII. Updates Concerning UCR Legislation—UCR Board Chair

The UCR Board Chair will call for any updates regarding UCR legislation since the last Board meeting.

IX. Chief Legal Officer Report—UCR Chief Legal Officer

The UCR Chief Legal Officer will provide an update on the status of the March 2019 data event, the Twelve Percent Logistics litigation, cease and desist letters sent to third party permitting service providers, and other matters.

X. Subcommittee Reports

Audit Subcommittee—UCR Audit Subcommittee Chair

A. Next Steps Regarding the 2019 Audit Deficiencies by Idaho and Utah—UCR Audit Subcommittee Chair

The UCR Audit Subcommittee Chair will discuss with the Board next steps regarding the 2019 Audit Deficiencies of Idaho and Utah.

B. UCR Auditor Coordinator—UCR Audit Subcommittee Chair

For Discussion and Possible Action.

The UCR Audit Subcommittee Chair will lead a discussion regarding the MCS–150 retreat audit program provided by UCR and the progress made with participating states. States may opt into the program. States will remain engaged in the audit process but may have a lesser burden of having to attend to unresponsive/unproductive retreat audits.

C. NRS Testing—Penetration and Vulnerability Testing—UCR Technology Manager

The UCR Technology Manager will discuss plans to conduct a protocol of tests of the National Registration System (NRS) to ensure that appropriate measures are taken to resist unwanted attacks against the NRS. A highly experienced and qualified contractor has been selected to provide the appropriate testing.

Finance Subcommittee—UCR Finance Subcommittee Chair

A. Certificate of Deposit Maturing on February 5, 2021—UCR Depository Manager

For Discussion and Possible Action.

The UCR Depository Manager will discuss the CD maturing on February 5, 2021 and outline potential re-investment opportunities to the Board. The UCR Board may take action to re-invest the funds.

B. Review UCR Bank Balance Summary Report—UCR Depository Manager

The UCR Depository Manager will review the UCR Bank Balance Summary Report as of December 31, 2020 and answer questions from the Board.

C. Review 2020 Administrative Expenses Through December 31, 2020—UCR Depository Manager

The UCR Depository Manager will present the administrative costs incurred for the period of January 1, 2020 through December 31, 2020, compared to the budget for the same time-period, and discuss all significant variances.

D. Status of 2020 and 2021 Registration Years Fee Collections and Compliance Percentages—UCR Depository Manager

The UCR Depository Manager will provide updates on the results of collections and registration compliance rates for the 2020 and 2021 registration years.

Education and Training Subcommittee—UCR Education and Training Subcommittee Chair

• Update on Basic Audit Training Module and Flow Chart/Decision Tree—UCR Education and Training Subcommittee Chair

The UCR Education and Training Subcommittee Chair will provide an update on the development of the Basic Audit Training Module and Flow Chart/Decision Tree.

XI. Contractor Reports—UCR Executive Director

• UCR Executive Director

The UCR Executive Director will provide a report covering recent activity for the UCR Plan.

• DSL Transportation Services, Inc.

DSL Transportation Services, Inc. will report on the latest data from the FARs program, discuss motor carrier inspection results, and other matters.

• Seikosoft

Seikosoft will provide an update on recent/new activity related to the NRS.

• UCR Administrator Report (Kellen)—UCR Operations and Depository Managers

The UCR Staff will provide its management report covering recent activity for the Depository, Operations, and Communications.

XII. Other Business—UCR Board Chair

The UCR Board Chair will call for any business, old or new, from the floor.

XIII. Adjournment—UCR Board Chair

The UCR Board Chair will adjourn the meeting.

This agenda will be available no later than 5:00 p.m. Eastern time, January 21, 2021 at: *https://plan.ucr.gov.*

CONTACT PERSON FOR MORE INFORMATION: Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305–3783, *eleaman@board.ucr.gov.*

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021–01650 Filed 1–22–21; 4:15 pm]

BILLING CODE 4910–YL–P

FEDERAL REGISTER

Vol. 86 Tuesday,

No. 15 January 26, 2021

Part II

The President

Federal Register
Vol. 86, No. 15
Tuesday, January 26, 2021

Presidential Documents

Title 3—

The President

Executive Order 13994 of January 21, 2021

Ensuring a Data-Driven Response to COVID–19 and Future High-Consequence Public Health Threats

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of my Administration to respond to the coronavirus disease 2019 (COVID–19) pandemic through effective approaches guided by the best available science and data, including by building back a better public health infrastructure. This stronger public health infrastructure must help the Nation effectively prevent, detect, and respond to future biological threats, both domestically and internationally.

Consistent with this policy, the heads of all executive departments and agencies (agencies) shall facilitate the gathering, sharing, and publication of COVID–19-related data, in coordination with the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), to the extent permitted by law, and with appropriate protections for confidentiality, privacy, law enforcement, and national security. These efforts shall assist Federal, State, local, Tribal, and territorial authorities in developing and implementing policies to facilitate informed community decision-making, to further public understanding of the pandemic and the response, and to deter the spread of misinformation and disinformation.

Sec. 2. *Enhancing Data Collection and Collaboration Capabilities for High-Consequence Public Health Threats, Such as the COVID–19 Pandemic.* (a) The Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health and Human Services (HHS), the Secretary of Education, the Director of the Office of Management and Budget (OMB), the Director of National Intelligence, the Director of the Office of Science and Technology Policy (OSTP), and the Director of the National Science Foundation shall each promptly designate a senior official to serve as their agency's lead to work on COVID–19- and pandemic-related data issues. This official, in consultation with the COVID–19 Response Coordinator, shall take steps to make data relevant to high-consequence public health threats, such as the COVID–19 pandemic, publicly available and accessible.

(b) The COVID–19 Response Coordinator shall, as necessary, convene appropriate representatives from relevant agencies to coordinate the agencies' collection, provision, and analysis of data, including key equity indicators, regarding the COVID–19 response, as well as their sharing of such data with State, local, Tribal, and territorial authorities.

(c) The Director of OMB, in consultation with the Director of OSTP, the United States Chief Technology Officer, and the COVID–19 Response Coordinator, shall promptly review the Federal Government's existing approaches to open data, and shall issue supplemental guidance, as appropriate and consistent with applicable law, concerning how to de-identify COVID–19-related data; how to make data open to the public in human- and machine-readable formats as rapidly as possible; and any other topic the Director of OMB concludes would appropriately advance the policy of this order. Any guidance shall include appropriate protections for the information described in section 5 of this order.

(d) The Director of the Office of Personnel Management, in consultation with the Director of OMB, shall promptly:

(i) review the ability of agencies to hire personnel expeditiously into roles related to information technology and the collection, provision, analysis, or other use of data to address high-consequence public health threats, such as the COVID–19 pandemic; and

(ii) take action, as appropriate and consistent with applicable law, to support agencies in such efforts.

Sec. 3. *Public Health Data Systems.* The Secretary of HHS, in consultation with the COVID–19 Response Coordinator and the heads of relevant agencies, shall promptly:

(a) review the effectiveness, interoperability, and connectivity of public health data systems supporting the detection of and response to high-consequence public health threats, such as the COVID–19 pandemic;

(b) review the collection of morbidity and mortality data by State, local, Tribal, and territorial governments during high-consequence public health threats, such as the COVID–19 pandemic; and

(c) issue a report summarizing the findings of the reviews detailed in subsections (a) and (b) of this section and any recommendations for addressing areas for improvement identified in the reviews.

Sec. 4. *Advancing Innovation in Public Health Data and Analytics.* The Director of OSTP, in coordination with the National Science and Technology Council, as appropriate, shall develop a plan for advancing innovation in public health data and analytics in the United States.

Sec. 5. *Privileged Information.* Nothing in this order shall compel or authorize the disclosure of privileged information, law-enforcement information, national-security information, personal information, or information the disclosure of which is prohibited by law.

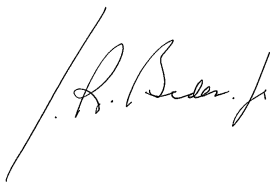
Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01849
Filed 1–25–21; 11:15 am]
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Presidential Documents

Executive Order 13995 of January 21, 2021

Ensuring an Equitable Pandemic Response and Recovery

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to address the disproportionate and severe impact of coronavirus disease 2019 (COVID–19) on communities of color and other underserved populations, it is hereby ordered as follows:

Section 1. *Purpose.* The COVID–19 pandemic has exposed and exacerbated severe and pervasive health and social inequities in America. For instance, people of color experience systemic and structural racism in many facets of our society and are more likely to become sick and die from COVID–19. The lack of complete data, disaggregated by race and ethnicity, on COVID–19 infection, hospitalization, and mortality rates, as well as underlying health and social vulnerabilities, has further hampered efforts to ensure an equitable pandemic response. Other communities, often obscured in the data, are also disproportionately affected by COVID–19, including sexual and gender minority groups, those living with disabilities, and those living at the margins of our economy. Observed inequities in rural and Tribal communities, territories, and other geographically isolated communities require a place-based approach to data collection and the response. Despite increased State and local efforts to address these inequities, COVID–19's disparate impact on communities of color and other underserved populations remains unrelenting.

Addressing this devastating toll is both a moral imperative and pragmatic policy. It is impossible to change the course of the pandemic without tackling it in the hardest-hit communities. In order to identify and eliminate health and social inequities resulting in disproportionately higher rates of exposure, illness, and death, I am directing a Government-wide effort to address health equity. The Federal Government must take swift action to prevent and remedy differences in COVID–19 care and outcomes within communities of color and other underserved populations.

Sec. 2. *COVID–19 Health Equity Task Force.* There is established within the Department of Health and Human Services (HHS) a COVID–19 Health Equity Task Force (Task Force).

(a) *Membership.* The Task Force shall consist of the Secretary of HHS; an individual designated by the Secretary of HHS to Chair the Task Force (COVID–19 Health Equity Task Force Chair); the heads of such other executive departments, agencies, or offices (agencies) as the Chair may invite; and up to 20 members from sectors outside of the Federal Government appointed by the President.

(i) Federal members may designate, to perform the Task Force functions of the member, a senior-level official who is a part of the member's agency and a full-time officer or employee of the Federal Government.

(ii) Nonfederal members shall include individuals with expertise and lived experience relevant to groups suffering disproportionate rates of illness and death in the United States; individuals with expertise and lived experience relevant to equity in public health, health care, education, housing, and community-based services; and any other individuals with expertise the President deems relevant. Appointments shall be made without regard to political affiliation and shall reflect a diverse set of perspectives.

(iii) Members of the Task Force shall serve without compensation for their work on the Task Force, but members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701–5707).

(iv) At the direction of the Chair, the Task Force may establish subgroups consisting exclusively of Task Force members or their designees under this section, as appropriate.

(b) *Mission and Work.*

(i) Consistent with applicable law and as soon as practicable, the Task Force shall provide specific recommendations to the President, through the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), for mitigating the health inequities caused or exacerbated by the COVID–19 pandemic and for preventing such inequities in the future. The recommendations shall include:

(A) recommendations for how agencies and State, local, Tribal, and territorial officials can best allocate COVID–19 resources, in light of disproportionately high rates of COVID–19 infection, hospitalization, and mortality in certain communities and disparities in COVID–19 outcomes by race, ethnicity, and other factors, to the extent permitted by law;

(B) recommendations for agencies with responsibility for disbursing COVID–19 relief funding regarding how to disburse funds in a manner that advances equity; and

(C) recommendations for agencies regarding effective, culturally aligned communication, messaging, and outreach to communities of color and other underserved populations.

(ii) The Task Force shall submit a final report to the COVID–19 Response Coordinator addressing any ongoing health inequities faced by COVID–19 survivors that may merit a public health response, describing the factors that contributed to disparities in COVID–19 outcomes, and recommending actions to combat such disparities in future pandemic responses.

(c) *Data Collection.* To address the data shortfalls identified in section 1 of this order, and consistent with applicable law, the Task Force shall:

(i) collaborate with the heads of relevant agencies, consistent with the Executive Order entitled ''Ensuring a Data-Driven Response to COVID–19 and Future High-Consequence Public Health Threats,'' to develop recommendations for expediting data collection for communities of color and other underserved populations and identifying data sources, proxies, or indices that would enable development of short-term targets for pandemic-related actions for such communities and populations;

(ii) develop, in collaboration with the heads of relevant agencies, a set of longer-term recommendations to address these data shortfalls and other foundational data challenges, including those relating to data intersectionality, that must be tackled in order to better prepare and respond to future pandemics; and

(iii) submit the recommendations described in this subsection to the President, through the COVID–19 Response Coordinator.

(d) *External Engagement.* Consistent with the objectives set out in this order and with applicable law, the Task Force may seek the views of health professionals; policy experts; State, local, Tribal, and territorial health officials; faith-based leaders; businesses; health providers; community organizations; those with lived experience with homelessness, incarceration, discrimination, and other relevant issues; and other stakeholders.

(e) *Administration.* Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Task Force, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Secretary of HHS in accordance with the guidelines that have been issued by the Administrator of General Services. HHS shall

provide funding and administrative support for the Task Force to the extent permitted by law and within existing appropriations. The Chair shall convene regular meetings of the Task Force, determine its agenda, and direct its work. The Chair shall designate an Executive Director of the Task Force, who shall coordinate the work of the Task Force and head any staff assigned to the Task Force.

(f) *Termination.* Unless extended by the President, the Task Force shall terminate within 30 days of accomplishing the objectives set forth in this order, including the delivery of the report and recommendations specified in this section, or 2 years from the date of this order, whichever comes first.

Sec. 3. *Ensuring an Equitable Pandemic Response.* To address the inequities identified in section 1 of this order, it is hereby directed that:

(a) The Secretary of Agriculture, the Secretary of Labor, the Secretary of HHS, the Secretary of Housing and Urban Development, the Secretary of Education, the Administrator of the Environmental Protection Agency, and the heads of all other agencies with authorities or responsibilities relating to the pandemic response and recovery shall, as appropriate and consistent with applicable law:

(i) consult with the Task Force to strengthen equity data collection, reporting, and use related to COVID–19;

(ii) assess pandemic response plans and policies to determine whether personal protective equipment, tests, vaccines, therapeutics, and other resources have been or will be allocated equitably, including by considering:

(A) the disproportionately high rates of COVID–19 infection, hospitalization, and mortality in certain communities; and

(B) any barriers that have restricted access to preventive measures, treatment, and other health services for high-risk populations;

(iii) based on the assessments described in subsection (a)(ii) of this section, modify pandemic response plans and policies to advance equity, with consideration to:

(A) the effect of proposed policy changes on the distribution of resources to, and access to health care by, communities of color and other underserved populations;

(B) the effect of proposed policy changes on agencies' ability to collect, analyze, and report data necessary to monitor and evaluate the impact of pandemic response plans and policies on communities of color and other underserved populations; and

(C) policy priorities expressed by communities that have suffered disproportionate rates of illness and death as a result of the pandemic;

(iv) strengthen enforcement of anti-discrimination requirements pertaining to the availability of, and access to, COVID–19 care and treatment; and

(v) partner with States, localities, Tribes, and territories to explore mechanisms to provide greater assistance to individuals and families experiencing disproportionate economic or health effects from COVID–19, such as by expanding access to food, housing, child care, or income support.

(b) The Secretary of HHS shall:

(i) provide recommendations to State, local, Tribal, and territorial leaders on how to facilitate the placement of contact tracers and other workers in communities that have been hardest hit by the pandemic, recruit such workers from those communities, and connect such workers to existing health workforce training programs and other career advancement programs; and

(ii) conduct an outreach campaign to promote vaccine trust and uptake among communities of color and other underserved populations with higher levels of vaccine mistrust due to discriminatory medical treatment and research, and engage with leaders within those communities.

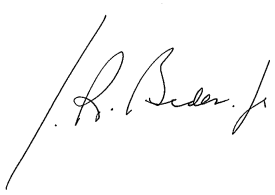
Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01852
Filed 1–25–21; 11:15 am]
Billing code 3295–F1–P

Presidential Documents

Executive Order 13996 of January 21, 2021

Establishing the COVID–19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID–19 and Other Biological Threats

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of my Administration to control coronavirus disease 2019 (COVID–19) by using a Government-wide, unified approach that includes: establishing a national COVID–19 testing and public health workforce strategy; working to expand the supply of tests; working to bring test manufacturing to the United States, where possible; working to enhance laboratory testing capacity; working to expand the public health workforce; supporting screening testing for schools and priority populations; and ensuring a clarity of messaging about the use of tests and insurance coverage.

Sec. 2. *COVID–19 Pandemic Testing Board.*

(a) *Establishment and Membership.* There is established a COVID–19 Pandemic Testing Board (Testing Board), chaired by the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator) or his designee. The Testing Board shall include representatives from executive departments and agencies (agencies) that are designated by the President. The heads of agencies so designated shall designate officials from their respective agencies to represent them on the Testing Board.

(b) *Mission and Functions.* To support the implementation and oversight of the policy laid out in section 1 of this order, the Testing Board shall:

(i) coordinate Federal Government efforts to promote COVID–19 diagnostic, screening, and surveillance testing;

(ii) make recommendations to the President with respect to prioritizing the Federal Government's assistance to State, local, Tribal, and territorial authorities, in order to expand testing and reduce disparities in access to testing;

(iii) identify barriers to access and use of testing in, and coordinate Federal Government efforts to increase testing for:

(A) priority populations, including healthcare workers and other essential workers;

(B) communities with major shortages in testing availability and use;

(C) at-risk settings, including long-term care facilities, correctional facilities, immigration custodial settings, detention facilities, schools, child care settings, and food processing and manufacturing facilities; and

(D) high-risk groups, including people experiencing homelessness, migrants, and seasonal workers;

(iv) identify methods to expand State, local, Tribal, and territorial capacity to conduct testing, contact tracing, and isolation and quarantine, in order for schools, businesses, and travel to be conducted safely;

(v) provide guidance on how to enhance the clarity, consistency, and transparency of Federal Government communication with the public about the goals and purposes of testing;

(vi) identify options for the Federal Government to maximize testing capacity of commercial labs and academic labs; and

(vii) propose short- and long-term reforms for the Federal Government to: increase State, local, Tribal, and territorial capacity to conduct testing; expand genomic sequencing; and improve the effectiveness and speed of the Federal Government's response to future pandemics and other biological emergencies.

(d) The Chair of the Testing Board shall coordinate with the Secretary of Health and Human Services (HHS) and the heads of other relevant agencies or their designees, as necessary, to ensure that the Testing Board's work is coordinated with the Public Health Emergency Countermeasures Enterprise within HHS.

Sec. 3. *Actions to Address the Cost of COVID–19 Testing.* (a) The Secretary of the Treasury, the Secretary of HHS, and the Secretary of Labor, in coordination with the COVID–19 Response Coordinator, shall promptly, and as appropriate and consistent with applicable law:

(i) facilitate the provision of COVID–19 testing free of charge to those who lack comprehensive health insurance; and

(ii) clarify group health plans' and health insurance issuers' obligations to provide coverage for COVID–19 testing.

(b) The Secretary of HHS, the Secretary of Education, and the Secretary of Homeland Security, through the Administrator of the Federal Emergency Management Agency (FEMA), in coordination with the COVID–19 Response Coordinator, shall promptly, and as appropriate and consistent with applicable law:

(i) provide support for surveillance tests for settings such as schools; and

(ii) expand equitable access to COVID–19 testing.

Sec. 4. *Establishing a Public Health Workforce Program.* (a) The Secretary of HHS and the Secretary of Labor shall promptly consult with State, local, Tribal, and territorial leaders to understand the challenges they face in pandemic response efforts, including challenges recruiting and training sufficient personnel to ensure adequate and equitable community-based testing, and testing in schools and high-risk settings.

(b) The Secretary of HHS shall, as appropriate and consistent with applicable law, as soon as practicable:

(i) provide technical support to State, local, Tribal, and territorial public health agencies with respect to testing and contact-tracing efforts; and

(ii) assist such authorities in the training of public health workers. This may include technical assistance to non-Federal public health workforces in connection with testing, contact tracing, and mass vaccinations, as well as other urgent public health workforce needs, such as combating opioid use.

(c) The Secretary of HHS shall submit to the President, through the COVID–19 Response Coordinator, the Assistant to the President for Domestic Policy (APDP), and the Assistant to the President for National Security Affairs (APNSA), a plan detailing:

(i) how the Secretary of HHS would deploy personnel in response to future high-consequence public health threats; and

(ii) five-year targets and budget requirements for achieving a sustainable public health workforce, as well as options for expanding HHS capacity, such as by expanding the U.S. Public Health Service Commissioned Corps and Epidemic Intelligence Service, so that the Department can better respond to future pandemics and other biological threats.

(d) The Secretary of HHS, the Secretary of Homeland Security, the Secretary of Labor, the Secretary of Education, and the Chief Executive Officer of the Corporation for National and Community Service, in coordination with the COVID–19 Response Coordinator, the APDP, and the APNSA, shall

submit a plan to the President for establishing a national contact tracing and COVID–19 public health workforce program, to be known as the U.S. Public Health Job Corps, which shall be modeled on or developed as a component of the FEMA Corps program. Such plan shall include means by which the U.S. Public Health Job Corps can be part of the National Civilian Community Corps program, as well as recommendations about whether it would be appropriate for the U.S. Public Health Job Corps to immediately assign personnel from any of the agencies involved in the creation of the plan, including existing AmeriCorps members, to join or aid the U.S. Public Health Job Corps. The U.S. Public Health Job Corps will:

(i) conduct and train individuals in contact tracing related to the COVID–19 pandemic;

(ii) assist in outreach for vaccination efforts, including by administering vaccination clinics;

(iii) assist with training programs for State, local, Tribal, and territorial governments to provide testing, including in schools; and

(iv) provide other necessary services to Americans affected by the COVID–19 pandemic.

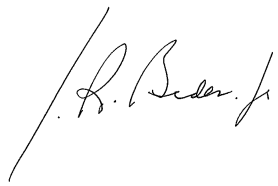
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01854
Filed 1–25–21; 11:15 am]
Billing code 3295–F1–P

Presidential Documents

Executive Order 13997 of January 21, 2021

Improving and Expanding Access to Care and Treatments for COVID–19

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* It is the policy of my Administration to improve the capacity of the Nation's healthcare systems to address coronavirus disease 2019 (COVID–19), to accelerate the development of novel therapies to treat COVID–19, and to improve all Americans' access to quality and affordable healthcare.

Sec. 2. *Accelerating the Development of Novel Therapies.* To enhance the Nation's ability to quickly develop the most promising COVID–19 interventions, the Secretary of Health and Human Services (HHS), in consultation with the Director of the National Institutes of Health, shall:

(a) develop a plan for supporting a range of studies, including large-scale randomized trials, for identifying optimal clinical management strategies, and for supporting the most promising treatments for COVID–19 and future high-consequence public health threats, that can be easily manufactured, distributed, and administered, both domestically and internationally;

(b) develop a plan, in consultation with non-governmental partners, as appropriate, to support research:

(i) in rural hospitals and other rural locations; and

(ii) that studies the emerging evidence concerning the long-term impact of COVID–19 on patient health; and

(c) consider steps to ensure that clinical trials include populations that have been historically underrepresented in such trials.

Sec. 3. *Improving the Capacity of the Nation's Healthcare Systems to Address COVID–19.* To bolster the capacity of the Nation's healthcare systems to support healthcare workers and patients:

(a) The Secretary of Defense, the Secretary of HHS, the Secretary of Veterans Affairs, and the heads of other relevant executive departments and agencies (agencies), in coordination with the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator), shall promptly, as appropriate and consistent with applicable law, provide targeted surge assistance to critical care and long-term care facilities, including nursing homes and skilled nursing facilities, assisted living facilities, intermediate care facilities for individuals with disabilities, and residential treatment centers, in their efforts to combat the spread of COVID–19.

(b) The COVID–19 Response Coordinator, in coordination with the Secretary of Defense, the Secretary of HHS, the Secretary of Veterans Affairs, and the heads of other relevant agencies, shall review the needs of Federal facilities providing care to COVID–19 patients and develop recommendations for further actions such facilities can take to support active military personnel, veterans, and Tribal nations during this crisis.

(c) The Secretary of HHS shall promptly:

(i) issue recommendations on how States and healthcare providers can increase the capacity of their healthcare workforces to address the COVID–19 pandemic; and

(ii) through the Administrator of the Health Resources and Services Administration and the Administrator of the Substance Abuse and Mental Health Services Administration, take appropriate actions, as consistent with applicable law, to expand access to programs and services designed to meet the long-term health needs of patients recovering from COVID–19, including through technical assistance and support to community health centers.

Sec. 4. *Improving Access to Quality and Affordable Healthcare.* (a) To facilitate the equitable and effective distribution of therapeutics and bolster clinical care capacity where needed to support patient care, the Secretary of Defense, the Secretary of HHS, and the Secretary of Veterans Affairs, in coordination with the COVID–19 Response Coordinator, shall establish targets for the production, allocation, and distribution of COVID–19 treatments. To meet those targets, the Secretary of Defense, the Secretary of HHS, and the Secretary of Veterans Affairs shall consider prioritizing, including through grants for research and development, investments in therapeutics that can be readily administered and scaled.

(b) To facilitate the utilization of existing COVID–19 treatments, the Secretary of HHS shall identify barriers to maximizing the effective and equitable use of existing COVID–19 treatments and shall, as appropriate and consistent with applicable law, provide support to State, local, Tribal, and territorial authorities aimed at overcoming those barriers.

(c) To address the affordability of treatments and clinical care, the Secretary of HHS shall, promptly and as appropriate and consistent with applicable law:

(i) evaluate the COVID–19 Uninsured Program, operated by the Health Resources and Services Administration within HHS, and take any available steps to promote access to treatments and clinical care for those without adequate coverage, to support safety-net providers in delivering such treatments and clinical care, and to make the Program easy to use and accessible for patients and providers, with information about the Program widely disseminated; and

(ii) evaluate Medicare, Medicaid, group health plans, and health insurance issuers, and take any available steps to promote insurance coverage for safe and effective COVID–19 treatments and clinical care.

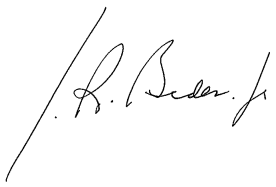
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01858
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Billing code 3295–F1–P

Presidential Documents

Executive Order 13998 of January 21, 2021

Promoting COVID–19 Safety in Domestic and International Travel

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Science-based public health measures are critical to preventing the spread of coronavirus disease 2019 (COVID–19) by travelers within the United States and those who enter the country from abroad. The Centers for Disease Control and Prevention (CDC), the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of travelers spreading COVID–19. Accordingly, to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely, it is the policy of my Administration to implement these public health measures consistent with CDC guidelines on public modes of transportation and at ports of entry to the United States.

Sec. 2. *Immediate Action to Require Mask-Wearing on Certain Domestic Modes of Transportation.*

(a) *Mask Requirement.* The Secretary of Labor, the Secretary of Health and Human Services (HHS), the Secretary of Transportation (including through the Administrator of the Federal Aviation Administration (FAA)), the Secretary of Homeland Security (including through the Administrator of the Transportation Security Administration (TSA) and the Commandant of the United States Coast Guard), and the heads of any other executive departments and agencies (agencies) that have relevant regulatory authority (heads of agencies) shall immediately take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC guidelines in or on:

(i) airports;

(ii) commercial aircraft;

(iii) trains;

(iv) public maritime vessels, including ferries;

(v) intercity bus services; and

(vi) all forms of public transportation as defined in section 5302 of title 49, United States Code.

(b) *Consultation.* In implementing this section, the heads of agencies shall consult, as appropriate, with interested parties, including State, local, Tribal, and territorial officials; industry and union representatives from the transportation sector; and consumer representatives.

(c) *Exceptions.* The heads of agencies may make categorical or case-by-case exceptions to policies developed under this section, consistent with applicable law, to the extent that doing so is necessary or required by law. If the heads of agencies do make exceptions, they shall require alternative and appropriate safeguards, and shall document all exceptions in writing.

(d) *Preemption.* To the extent permitted by applicable law, the heads of agencies shall ensure that any action taken to implement this section

does not preempt State, local, Tribal, and territorial laws or rules imposing public health measures that are more protective of public health than those required by the heads of agencies.

(e) *Coordination.* The Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator) shall coordinate the implementation of this section. The heads of agencies shall update the COVID–19 Response Coordinator on their progress in implementing this section, including any categorical exceptions established under subsection (c) of this section, within 7 days of the date of this order and regularly thereafter. The heads of agencies are encouraged to bring to the attention of the COVID–19 Response Coordinator any questions regarding the scope or implementation of this section.

Sec. 3. *Action to Implement Additional Public Health Measures for Domestic Travel.*

(a) *Recommendations.* The Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA and the Commandant of the Coast Guard), in consultation with the Director of CDC, shall promptly provide to the COVID–19 Response Coordinator recommendations concerning how their respective agencies may impose additional public health measures for domestic travel.

(b) *Consultation.* In implementing this section, the Secretary of Transportation and the Secretary of Homeland Security shall engage with interested parties, including State, local, Tribal, and territorial officials; industry and union representatives from the transportation sector; and consumer representatives.

Sec. 4. *Support for State, Local, Tribal, and Territorial Authorities.* The COVID–19 Response Coordinator, in coordination with the Secretary of Transportation and the heads of any other relevant agencies, shall promptly identify and inform agencies of options to incentivize, support, and encourage widespread mask-wearing and physical distancing on public modes of transportation, consistent with CDC guidelines and applicable law.

Sec. 5. *International Travel.*

(a) *Policy.* It is the policy of my Administration that, to the extent feasible, travelers seeking to enter the United States from a foreign country shall be:

(i) required to produce proof of a recent negative COVID–19 test prior to entry; and

(ii) required to comply with other applicable CDC guidelines concerning international travel, including recommended periods of self-quarantine or self-isolation after entry into the United States.

(b) *Air Travel.*

(i) The Secretary of HHS, including through the Director of CDC, and in coordination with the Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA), shall, within 14 days of the date of this order, assess the CDC order of January 12, 2021, regarding the requirement of a negative COVID–19 test result for airline passengers traveling into the United States, in light of subsection (a) of this section. Based on such assessment, the Secretary of HHS and the Secretary of Homeland Security shall take any further appropriate regulatory action, to the extent feasible and consistent with CDC guidelines and applicable law. Such assessment and regulatory action shall include consideration of:

(A) the timing and types of COVID–19 tests that should satisfy the negative test requirement, including consideration of additional testing immediately prior to departure;

(B) the proof of test results that travelers should be required to provide;

(C) the feasibility of implementing alternative and sufficiently protective public health measures, such as testing, self-quarantine, and self-isolation on arrival, for travelers entering the United States from countries where COVID–19 tests are inaccessible, particularly where such inaccessibility of tests would affect the ability of United States citizens and lawful permanent residents to return to the United States; and

(D) measures to prevent fraud.

(ii) The Secretary of HHS, in coordination with the Secretary of Transportation (including through the Administrator of the FAA) and the Secretary of Homeland Security (including through the Administrator of the TSA), shall promptly provide to the President, through the COVID–19 Response Coordinator, a plan for how the Secretary and other Federal Government actors could implement the policy stated in subsection (a) of this section with respect to CDC-recommended periods of self-quarantine or self-isolation after a flight to the United States from a foreign country, as he deems appropriate and consistent with applicable law. The plan shall identify agencies' tools and mechanisms to assist travelers in complying with such policy.

(iii) The Secretary of State, in consultation with the Secretary of HHS (including through the Director of CDC), the Secretary of Transportation (including through the Administrator of the FAA), and the Secretary of Homeland Security, shall seek to consult with foreign governments, the World Health Organization, the International Civil Aviation Organization, the International Air Transport Association, and any other relevant stakeholders to establish guidelines for public health measures associated with safe international travel, including on aircraft and at ports of entry. Any such guidelines should address quarantine, testing, COVID–19 vaccination, follow-up testing and symptom-monitoring, air filtration requirements, environmental decontamination standards, and contact tracing.

(c) *Land Travel.* The Secretary of State, in consultation with the Secretary of HHS, the Secretary of Transportation, the Secretary of Homeland Security, and the Director of CDC, shall immediately commence diplomatic outreach to the governments of Canada and Mexico regarding public health protocols for land ports of entry. Based on this diplomatic engagement, within 14 days of the date of this order, the Secretary of HHS (including through the Director of CDC), the Secretary of Transportation, and the Secretary of Homeland Security shall submit to the President a plan to implement appropriate public health measures at land ports of entry. The plan should implement CDC guidelines, consistent with applicable law, and take into account the operational considerations relevant to the different populations who enter the United States by land.

(d) *Sea Travel.* The Secretary of Homeland Security, through the Commandant of the Coast Guard and in consultation with the Secretary of HHS and the Director of CDC, shall, within 14 days of the date of this order, submit to the President a plan to implement appropriate public health measures at sea ports. The plan should implement CDC guidelines, consistent with applicable law, and take into account operational considerations.

(e) *International Certificates of Vaccination or Prophylaxis.* Consistent with applicable law, the Secretary of State, the Secretary of HHS, and the Secretary of Homeland Security (including through the Administrator of the TSA), in coordination with any relevant international organizations, shall assess the feasibility of linking COVID–19 vaccination to International Certificates of Vaccination or Prophylaxis (ICVP) and producing electronic versions of ICVPs.

(f) *Coordination.* The COVID–19 Response Coordinator, in consultation with the Assistant to the President for National Security Affairs and the Assistant to the President for Domestic Policy, shall coordinate the implementation of this section. The Secretary of State, the Secretary of HHS, the Secretary of Transportation, and the Secretary of Homeland Security shall

update the COVID–19 Response Coordinator on their progress in implementing this section within 7 days of the date of this order and regularly thereafter. The heads of all agencies are encouraged to bring to the attention of the COVID–19 Response Coordinator any questions regarding the scope or implementation of this section.

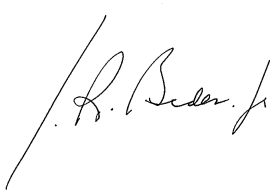
Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01859
Filed 1–25–21; 11:15 am]
Billing code 3295–F1–P

FEDERAL REGISTER

Vol. 86 Tuesday,
No. 15 January 26, 2021

Part III

The President

Federal Register
Vol. 86, No. 15
Tuesday, January 26, 2021

Presidential Documents

Title 3—

The President

Executive Order 13999 of January 21, 2021

Protecting Worker Health and Safety

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* Ensuring the health and safety of workers is a national priority and a moral imperative. Healthcare workers and other essential workers, many of whom are people of color and immigrants, have put their lives on the line during the coronavirus disease 2019 (COVID–19) pandemic. It is the policy of my Administration to protect the health and safety of workers from COVID–19.

The Federal Government must take swift action to reduce the risk that workers may contract COVID–19 in the workplace. That will require issuing science-based guidance to help keep workers safe from COVID–19 exposure, including with respect to mask-wearing; partnering with State and local governments to better protect public employees; enforcing worker health and safety requirements; and pushing for additional resources to help employers protect employees.

Sec. 2. *Protecting Workers from COVID–19 Under the Occupational Safety and Health Act.* The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, in furtherance of the policy described in section 1 of this order and consistent with applicable law, shall:

(a) issue, within 2 weeks of the date of this order and in conjunction or consultation with the heads of any other appropriate executive departments and agencies (agencies), revised guidance to employers on workplace safety during the COVID–19 pandemic;

(b) consider whether any emergency temporary standards on COVID–19, including with respect to masks in the workplace, are necessary, and if such standards are determined to be necessary, issue them by March 15, 2021;

(c) review the enforcement efforts of the Occupational Safety and Health Administration (OSHA) related to COVID–19 and identify any short-, medium-, and long-term changes that could be made to better protect workers and ensure equity in enforcement;

(d) launch a national program to focus OSHA enforcement efforts related to COVID–19 on violations that put the largest number of workers at serious risk or are contrary to anti-retaliation principles; and

(e) coordinate with the Department of Labor's Office of Public Affairs and Office of Public Engagement and all regional OSHA offices to conduct, consistent with applicable law, a multilingual outreach campaign to inform workers and their representatives of their rights under applicable law. This campaign shall include engagement with labor unions, community organizations, and industries, and place a special emphasis on communities hit hardest by the pandemic.

Sec. 3. *Protecting Other Categories of Workers from COVID–19.* (a) The Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health and consistent with applicable law, shall:

(i) coordinate with States that have occupational safety and health plans approved under section 18 of the Occupational Safety and Health Act (Act) (29 U.S.C. 667) to seek to ensure that workers covered by such

plans are adequately protected from COVID–19, consistent with any revised guidance or emergency temporary standards issued by OSHA; and

(ii) in States that do not have such plans, consult with State and local government entities with responsibility for public employee safety and health and with public employee unions to bolster protection from COVID–19 for public sector workers.

(b) The Secretary of Agriculture, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Energy, in consultation with the heads of any other appropriate agencies, shall, consistent with applicable law, explore mechanisms to protect workers not protected under the Act so that they remain healthy and safe on the job during the COVID–19 pandemic.

(c) The Secretary of Labor, acting through the Assistant Secretary of Labor for Mine Safety and Health, shall consider whether any emergency temporary standards on COVID–19 applicable to coal and metal or non-metal mines are necessary, and if such standards are determined to be necessary and consistent with applicable law, issue them as soon as practicable.

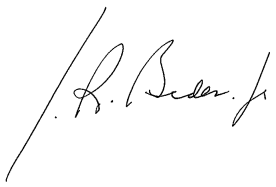
Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01863
Filed 1–25–21; 11:15 am]
Billing code 3295–F1–P

Presidential Documents

Executive Order 14000 of January 21, 2021

Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers

By the authority vested in me as President by the Constitution and the laws of the United States of America, to ensure that students receive a high-quality education during the coronavirus disease 2019 (COVID–19) pandemic, and to support the safe reopening and continued operation of schools, child care providers, Head Start programs, and institutions of higher education, it is hereby ordered as follows:

Section 1. *Policy.* Every student in America deserves a high-quality education in a safe environment. This promise, which was already out of reach for too many, has been further threatened by the COVID–19 pandemic. School and higher education administrators, educators, faculty, child care providers, custodians and other staff, and families have gone above and beyond to support children's and students' learning and meet their needs during this crisis. Students and teachers alike have found new ways to teach and learn. Many child care providers continue to provide care and learning opportunities to children in homes and centers across the country. However, leadership and support from the Federal Government is needed. Two principles should guide the Federal Government's response to the COVID–19 crisis with respect to schools, child care providers, Head Start programs, and higher education institutions. First, the health and safety of children, students, educators, families, and communities is paramount. Second, every student in the United States should have the opportunity to receive a high-quality education, during and beyond the pandemic.

Accordingly, it is the policy of my Administration to provide support to help create the conditions for safe, in-person learning as quickly as possible; ensure high-quality instruction and the delivery of essential services often received by students and young children at school, institutions of higher education, child care providers, and Head Start programs; mitigate learning loss caused by the pandemic; and address educational disparities and inequities that the pandemic has created and exacerbated.

Sec. 2. *Agency Roles and Responsibilities.* The following assignments of responsibility shall be exercised in furtherance of the policy described in section 1 of this order:

(a) The Secretary of Education shall, consistent with applicable law:

(i) provide, in consultation with the Secretary of Health and Human Services, evidence-based guidance to assist States and elementary and secondary schools in deciding whether and how to reopen, and how to remain open, for in-person learning; and in safely conducting in-person learning, including by implementing mitigation measures such as cleaning, masking, proper ventilation, and testing;

(ii) provide, in consultation with the Secretary of Health and Human Services, evidence-based guidance to institutions of higher education on safely reopening for in-person learning, which shall take into account considerations such as the institution's setting, resources, and the population it serves;

(iii) provide advice to State, local, Tribal, and territorial educational authorities, institutions of higher education, local education agencies, and elementary and secondary schools regarding distance and online learning,

blended learning, and in-person learning; and the promotion of mental health, social-emotional well-being, and communication with parents and families;

(iv) develop a Safer Schools and Campuses Best Practices Clearinghouse to enable schools and institutions of higher education to share lessons learned and best practices for operating safely during the pandemic;

(v) provide technical assistance to schools and institutions of higher education so that they can ensure high-quality learning during the pandemic;

(vi) direct the Department of Education's Assistant Secretary for Civil Rights to deliver a report as soon as practicable on the disparate impacts of COVID–19 on students in elementary, secondary, and higher education, including those attending historically black colleges and universities, Tribal colleges and universities, Hispanic-serving institutions, and other minority-serving institutions;

(vii) coordinate with the Director of the Institute of Education Sciences to facilitate, consistent with applicable law, the collection of data necessary to fully understand the impact of the COVID–19 pandemic on students and educators, including data on the status of in-person learning. These data shall be disaggregated by student demographics, including race, ethnicity, disability, English-language-learner status, and free or reduced lunch status or other appropriate indicators of family income; and

(viii) consult with those who have been struggling for months with the enormous challenges the COVID–19 pandemic poses for education, including students; educators; unions; families; State, local, Tribal, and territorial officials; and members of civil rights and disability rights organizations, in carrying out the directives in this order.

(b) The Secretary of Health and Human Services shall, consistent with applicable law:

(i) facilitate the collection of data needed to inform the safe reopening and continued operation of elementary and secondary schools, child care providers, and Head Start programs, and ensure that such data are readily available to State, local, Tribal, and territorial leaders and the public, consistent with privacy interests, and that such data are disaggregated by race, ethnicity, and other factors as appropriate;

(ii) ensure, in coordination with the Coordinator of the COVID–19 Response and Counselor to the President (COVID–19 Response Coordinator) and other relevant agencies, that COVID–19-related supplies the Secretary administers, including testing materials, are equitably allocated to elementary and secondary schools, child care providers, and Head Start programs to support in-person care and learning;

(iii) to the maximum extent possible, support the development and operation of contact tracing programs at the State, local, Tribal, and territorial level, by providing guidance and technical support to ensure that contact tracing is available to facilitate the reopening and safe operation of elementary and secondary schools, child care providers, Head Start programs, and institutions of higher education;

(iv) provide guidance needed for child care providers and Head Start programs for safely reopening and operating, including procedures for mitigation measures such as cleaning, masking, proper ventilation, and testing, as well as guidance related to meeting the needs of children, families, and staff who have been affected by the COVID–19 pandemic, including trauma-informed care, behavioral and mental health support, and family support, as appropriate; and

(v) provide technical assistance to States, localities, Tribes, and territories to support the accelerated distribution of Federal COVID–19 relief funds to child care providers, and identify strategies to help child care providers safely remain open during the pandemic and beyond while the sector

experiences widespread financial disruption due to increased costs and less revenue.

(c) The Secretary of Education and the Secretary of Health and Human Services shall submit a report to the Assistant to the President for Domestic Policy and the COVID–19 Response Coordinator identifying strategies to address the impact of COVID–19 on educational outcomes, especially along racial and socioeconomic lines, and shall share those strategies with State, local, Tribal, and territorial officials. In developing these strategies, the Secretaries shall, as appropriate and consistent with applicable law, consult with such officials, as well as with education experts; educators; unions; civil rights advocates; Tribal education experts; public health experts; child development experts; early educators, including child care providers; Head Start staff; school technology practitioners; foundations; families; students; community advocates; and others.

(d) The Federal Communications Commission is encouraged, consistent with applicable law, to increase connectivity options for students lacking reliable home broadband, so that they can continue to learn if their schools are operating remotely.

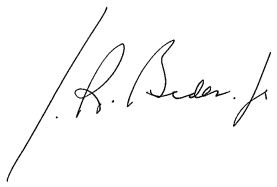
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01864
Filed 1–25–21; 11:15 am]
Billing code 3295–F1–P

Presidential Documents

Executive Order 14001 of January 21, 2021

A Sustainable Public Health Supply Chain

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*), sections 319 and 361 of the Public Health Service Act (42 U.S.C. 247d and 264), sections 306 and 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149 and 5150), and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. *Purpose.* The Federal Government must act urgently and effectively to combat the coronavirus disease 2019 (COVID–19) pandemic. To that end, this order directs immediate actions to secure supplies necessary for responding to the pandemic, so that those supplies are available, and remain available, to the Federal Government and State, local, Tribal, and territorial authorities, as well as to America's health care workers, health systems, and patients. These supplies are vital to the Nation's ability to reopen its schools and economy as soon and safely as possible.

Sec. 2. *Immediate Inventory of Response Supplies and Identification of Emergency Needs.* (a) The Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of appropriate executive departments and agencies (agencies), in coordination with the COVID–19 Response Coordinator, shall:

(i) immediately review the availability of critical materials, treatments, and supplies needed to combat COVID–19 (pandemic response supplies), including personal protective equipment (PPE) and the resources necessary to effectively produce and distribute tests and vaccines at scale; and

(ii) assess, including by reviewing prior such assessments, whether United States industry can be reasonably expected to provide such supplies in a timely manner.

(b) Where a review and assessment described in section 2(a)(i) of this order identifies shortfalls in the provision of pandemic response supplies, the head of the relevant agency shall:

(i) promptly revise its operational assumptions and planning factors being used to determine the scope and prioritization, acquisition, and distribution of such supplies; and

(ii) take appropriate action using all available legal authorities, including the Defense Production Act, to fill those shortfalls as soon as practicable by acquiring additional stockpiles, improving distribution systems, building market capacity, or expanding the industrial base.

(c) Upon completing the review and assessment described in section 2(a)(i) of this order, the Secretary of Health and Human Services shall provide to the President, through the COVID–19 Response Coordinator, a report on the status and inventory of the Strategic National Stockpile.

(d) The Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of any other agencies relevant to inventorying pandemic response supplies shall, as soon as practicable, provide to the President, through the COVID–19 Response Coordinator, a report consisting of:

(i) an assessment of the need for, and an inventory of current supplies of, key pandemic response supplies;

(ii) an analysis of their agency's capacity to produce, provide, and distribute pandemic response supplies;

(iii) an assessment of their agency's procurement of pandemic response supplies on the availability of such supplies on the open market;

(iv) an account of all existing or ongoing agency actions, contracts, and investment agreements regarding pandemic response supplies;

(v) a list of any gaps between the needs identified in section 2(a)(i) of this order and supply chain delivery, and recommendations on how to close such gaps; and

(vi) a compilation and summary of their agency's existing distribution and prioritization plans for pandemic response supplies, which shall include any assumptions or planning factors used to determine such needs and any recommendations for changes to such assumptions or factors.

(e) The COVID–19 Response Coordinator, in coordination with the heads of appropriate agencies, shall review the report described in section 2(d) of this order and submit recommendations to the President that address:

(i) whether additional use of the Defense Production Act, by the President or agencies exercising delegated authority under the Act, would be helpful; and

(ii) the extent to which liability risk, regulatory requirements, or other factors impede the development, production, and procurement of pandemic response supplies, and any actions that can be taken, consistent with law, to remove those impediments.

(f) The heads of agencies responsible for completing the requirements of this section, as appropriate and in coordination with the COVID–19 Response Coordinator, shall consult with State, local, Tribal, and territorial authorities, as well as with other entities critical to assessing the availability of and need for pandemic response supplies.

Sec. 3. *Pricing.* To take steps to address the pricing of pandemic response supplies:

(a) The Secretary of Health and Human Services shall promptly recommend to the President, through the COVID–19 Response Coordinator, whether any changes should be made to the authorities delegated to the Secretary by Executive Order 13910 of March 23, 2020 (Preventing Hoarding of Health and Medical Resources To Respond to the Spread of COVID–19), with respect to scarce materials or materials the supply of which would be threatened by accumulation for the purpose of hoarding or price gouging.

(b) The Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Homeland Security shall promptly review and provide to the President, through the COVID–19 Response Coordinator, recommendations for how to address the pricing of pandemic response supplies, including whether and how to direct the use of reasonable pricing clauses in Federal contracts and investment agreements, or other related vehicles, and whether to use General Services Administration Schedules to facilitate State, local, Tribal, and territorial government buyers and compacts in purchasing pandemic response supplies using Federal supply schedules.

Sec. 4. *Pandemic Supply Chain Resilience Strategy.* Within 180 days of the date of this order, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Homeland Security, in coordination with the Assistant to the President for National Security Affairs (APNSA), the Assistant to the President for Domestic Policy, the COVID–19 Response Coordinator, and the heads of any agencies or entities selected by the APNSA and COVID–19 Response Coordinator, shall provide to the President a strategy to design, build, and sustain a long-term capability in the United States to manufacture supplies for future pandemics and biological threats. This strategy shall include:

(a) mechanisms to respond to emergency supply needs of State, local, Tribal, and territorial authorities, which should include standards and processes to prioritize requests and delivery and to ensure equitable distribution based on public health criteria;

(b) an analysis of the role of foreign supply chains in America's pandemic supply chain, America's role in the international public health supply chain, and options for strengthening and better coordinating global supply chain systems in future pandemics;

(c) mechanisms to address points of failure in the supply chains and to ensure necessary redundancies;

(d) the roles of the Strategic National Stockpile and other Federal and military stockpiles in providing pandemic supplies on an ongoing or emergency basis, including their roles in allocating supplies across States, localities, tribes, and territories, sustaining supplies during a pandemic, and in contingency planning to ensure adequate preparedness for future pandemics and public health emergencies;

(e) approaches to assess and maximize the value and efficacy of public/private partnerships and the value of Federal investments in latent manufacturing capacity; and

(f) an approach to develop a multi-year implementation plan for domestic production of pandemic supplies.

Sec. 5. *Access to Strategic National Stockpile.* The Secretary of Health and Human Services shall consult with Tribal authorities and take steps, as appropriate and consistent with applicable law, to facilitate access to the Strategic National Stockpile for federally recognized Tribal governments, Indian Health Service healthcare providers, Tribal health authorities, and Urban Indian Organizations.

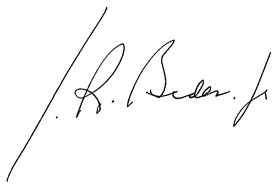
Sec. 6. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 21, 2021.

[FR Doc. 2021–01865
Filed 1–25–21; 11:15 am]
Billing code 3295–F1–P

Presidential Documents

Memorandum of January 20, 2021

Modernizing Regulatory Review

Memorandum for the Heads of Executive Departments and Agencies

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Background.* For nearly four decades, the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB) has been charged by Presidents of both parties with reviewing significant executive branch regulatory actions. This process is largely governed by Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), as amended. This memorandum reaffirms the basic principles set forth in that order and in Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review), which took important steps towards modernizing the regulatory review process. When carried out properly, that process can help to advance regulatory policies that improve the lives of the American people.

Our Nation today faces serious challenges, including a massive global pandemic; a major economic downturn; systemic racial inequality; and the undeniable reality and accelerating threat of climate change. It is the policy of my Administration to mobilize the power of the Federal Government to rebuild our Nation and address these and other challenges. As we do so, it is important that we evaluate the processes and principles that govern regulatory review to ensure swift and effective Federal action. Regulations that promote the public interest are vital for tackling national priorities.

Sec. 2. *Implementation.* (a) I therefore direct the Director of OMB, in consultation with representatives of executive departments and agencies (agencies), as appropriate and as soon as practicable, to begin a process with the goal of producing a set of recommendations for improving and modernizing regulatory review. These recommendations should provide concrete suggestions on how the regulatory review process can promote public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations. The recommendations should also include proposals that would ensure that regulatory review serves as a tool to affirmatively promote regulations that advance these values. These recommendations should be informed by public engagement with relevant stakeholders.

(b) In particular, the recommendations should:

(i) identify ways to modernize and improve the regulatory review process, including through revisions to OMB's *Circular A–4, Regulatory Analysis,* 68 FR 58,366 (Oct. 9, 2003), to ensure that the review process promotes policies that reflect new developments in scientific and economic understanding, fully accounts for regulatory benefits that are difficult or impossible to quantify, and does not have harmful anti-regulatory or deregulatory effects;

(ii) propose procedures that take into account the distributional consequences of regulations, including as part of any quantitative or qualitative analysis of the costs and benefits of regulations, to ensure that regulatory initiatives appropriately benefit and do not inappropriately burden disadvantaged, vulnerable, or marginalized communities;

(iii) consider ways that OIRA can play a more proactive role in partnering with agencies to explore, promote, and undertake regulatory initiatives that are likely to yield significant benefits; and

(iv) identify reforms that will promote the efficiency, transparency, and inclusiveness of the interagency review process, and determine an appropriate approach with respect to the review of guidance documents.

Sec. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

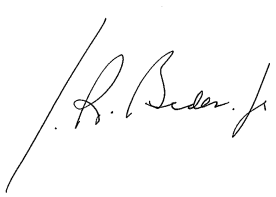
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The Director of OMB is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, January 20, 2021

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Federal Register

Vol. 86, No. 15

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FEDERAL REGISTER PAGES AND DATE, JANUARY

CFR PARTS AFFECTED DURING JANUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

231.....1745
232.....1745
233.....1745
234.....1745
235.....1745
236.....1745
237.....1745
238.....1745
239.....1745
240.....1745
241.....1745
242.....1745
243.....1745
244.....1745
272.....1745
386.....1745
571.....1292
578.....1745, 3016
831.....1809
1022.....3026

Proposed Rules:

191.....3938
192.....3938, 3956
195.....3938, 3956
219.....1418
232.....3957
391.....2344
571.....47

50 CFR

10.....1134
17 .....192, 2564, 4820
217.....5322
219.....3840
229.....3028
300.....5033
648.....1810
665.....2297
679 .....1300, 1301, 1302, 6571, 6860

Proposed Rules:

17.....3976, 5112
29.....5120
217.....1588
218.....2636
223 .....1433, 1452, 2372
226.....1433, 1452
300.....279
402.....2373

LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the first session of the 117th Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws*.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available at *https://www.govinfo.gov*. Some laws may not yet be available.

H.R. 335/P.L. 117-1

To provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces. (Jan. 22, 2021)

Last List January 19, 2021

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